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VIA EMAIL

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Subject: DEIR Public Comment to the Proposed Accretive Lilac Hills Ranch General Plan Amendment and Specific Plan PDS2012-3800-12-001(GPA), PDS2012-3810-12-001 (SP), **Inadequacy of Cumulative Impacts Analysis Lilac Hills Ranch (LHR) Draft Environmental Impact Report (DEIR)**

Dear Mr. Slovick:

This law firm represents Heart of Valley Center, a California non-profit corporation. We submit the following comments on the LHR DEIR analysis of Cumulative Impacts located within various subchapters of Chapter 2.0 of the DEIR. The DEIR's Cumulative Impacts Analysis fails to provide a summary or a reasonable analysis of the cumulative impacts of relevant projects, fails to identify which projects are included in its conclusions, and fails to include relevant projects in its analysis. The DEIR's conclusions concerning cumulative impacts and proposed mitigation or avoidance are therefore unsupported and inadequate as more fully detailed below.

The DEIR's Cumulative Impacts Analysis Fails to Comply with CEQA Requirements

The cumulative impact analysis is divided among the various impact subchapters making it difficult for the public and ultimately the decisionmaker to comprehensively grasp the full cumulative impact of the LHR Project and other past, present and reasonably foreseeable future projects. The DEIR should provide a "summary of the expected environmental effects to be produced by those projects with **specific reference** to additional information stating where that information is available, and...A **reasonable analysis** of the cumulative impacts of the relevant

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projects. An EIR shall examine reasonable, feasible options for mitigating or avoiding the project's contribution to any significant cumulative effects.” CEQA Guideline 15130(b)(4-5). The DEIR fulfills none of these CEQA informational roles and should be revised and recirculated for public review.

The DEIR identifies 168 Cumulative Projects (see Table 1-6). The vast majority of these projects are located within the I-15 corridor (see Figure 1-25) which will clearly result in identifiable related visual, air quality, traffic, agricultural resource, biology and cultural impacts. CEQA Guideline 15130(a)(1) provides: “a cumulative impact consists of an impact which is created as a result of the combination of the project evaluated in the EIR together with other projects causing related impacts.” However, the cumulative impacts sections dealing with these specific impacts are devoid of any analysis or, in some cases, do not even mention the specific projects having related and therefore cumulative impacts. This is particularly troubling given the related impacts of several large projects such as the Campus Park, Campus Park West, New Palomar College Campus, Warner Ranch, and North County Metro-NC 42 (Merriam Mountain).

The DEIR identifies the projects in Table 1-6 but makes no effort to reasonably analyze the impacts of the identified projects in the cumulative impacts discussion. This analytical omission renders the DEIR insufficient as an informational document. The DEIR fails to even mention in the subchapter cumulative impacts discussions the following impact intensive projects which collectively will result in the addition of over 4000 residences and 1,009,000 square feet of commercial, office professional, retail and light industrial uses in the surrounding area as well as an aggregate quarry and a 1,770 acre regional landfill: Campus Park, Campus Park West, Pala Mesa Highlands, Rosemary Mountain/Palomar Aggregates Quarry, Palomar College North Education Center, Warner Ranch, Palisades Estates, Gregory Landfill, Bonsall – BO 18,20,22,29,32,33, North County Metro – NC42 (Merriam Mountain), Valley Center – VC 57, 63, 64, Castle Creek Condominiums, Hidden Meadows – Oak Woodlands Rezone, Mountain Gate Rezone, Golf Green Estates/S/Site Plan.

Clearly, many of these projects have reached the level of permit processing or environmental review such that information concerning their specific impacts is readily available and should properly be part of the cumulative impacts analysis. If it is “reasonable and practical to include the projects” in the cumulative impacts analysis, they should be included. *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 723.

Instead, the DEIR relies on conclusions of significance or insignificance of impacts devoid of any reasoned analysis. This is not permissible under CEQA. *Whitman v. Board of Supervisors* (1979) 88 Cal.App.3d 397 (Discussion lacking even a “minimal degree of specificity or detail” is inadequate and the discussion must be more than a conclusion “devoid of any reasoned analysis.” 88 Cal.App.3d at 411. Similarly, in *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, EIR’s analysis of significant cumulative impacts was legally inadequate because it simply asserted that nonspecific cumulative development would have community character, agricultural and visual impacts. These analytical deficiencies must be corrected.

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In addition, the DEIR fails to include pending projects in the nearby incorporated cities of San Marcos and Escondido and fails to mention at least one pending County project: Valiano. In addition, Table 1-6 does not appear to include the Meadowood development project mentioned in the Transportation/Traffic Subchapter. These other pending and reasonably foreseeable future projects must be identified and analyzed in the cumulative impacts discussion in the DEIR.

Comments re: Visual Resources Cumulative Impacts Analysis

The DEIR improperly limits its vague and nonspecific cumulative visual impacts analysis to the Project's immediate view shed and local projects illustrated on Figure 1-24. It omits any identification of cumulative visual impacts from planned projects outside this limited area and, in particular, along the I-15 corridor. I-15 is an eligible California Scenic Highway and part of the County Scenic Highway system (DEIR p. 2.1-2). The DEIR acknowledges that the project site, located approximately 1/3 of a mile or 1450 feet from I-15, will be visible to drivers along this scenic road (DEIR p. 2.1-2). This is an area of rural, mountain and hillside views. The cumulative visual impacts of the combined projects impacting the I-15 corridor view shed should be identified and analyzed particularly since the project's incremental effect may be cumulatively considerable when these other projects are properly included in the cumulative impacts analysis.

The DEIR's limited discussion of 12 projects in the immediate area requires greater specificity in order to serve its informational purposes under CEQA. Please identify by project reference number or PSR number each of the specific projects described at p. 2.1-23. The DEIR's conclusion that the two major subdivisions on 62 acres of currently undeveloped land would visually blend into the existing viewshed is a bare conclusion, lacking any support or analysis.

Likewise, the conclusion that like "the proposed project, the Property Specific Requests illustrate an intention of the surrounding property owners to pursue residential opportunities", is irrelevant to a visual impacts analysis and does not provide the reader with any understanding of the significant cumulative visual impacts resulting from the LHR Project and these other projects.

The foundational inadequacies in the visual resources cumulative impacts analysis undermine the so called mitigation measures which fail to provide "reasonable, feasible options for mitigating or avoiding the project's contribution to any significant cumulative effects." If those effects have not been adequately analyzed in the first instance, then proper mitigation or avoidance has not been proposed for these unanalyzed impacts.

In addition, the DEIR must discuss mitigation measures that minimize the project's cumulative impacts. Pub. Res. Code sections 21002, 21002.1(a), 21100(b)(3) and 21151. The DEIR indicates mitigation measure M-V-1 is infeasible and M-V-2 does not address this project's contribution to cumulative visual impacts.

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Comments re: Air Quality Cumulative Impacts Analysis

Although the DEIR concludes that there will be cumulatively significant air quality impacts, the Air Quality Cumulative Impact Analysis at section 2.2.3 contains no discussion, analysis or even identification of any other projects which may cause related air quality impacts in combination with the LHR Project. In fact, other than the bare conclusion that in “combination with the emissions of pollutants from other proposed projects or reasonably foreseeable future projects, impacts would be cumulatively significant”, this section contains no information whatsoever about other projects causing related air quality impacts. This section is clearly inadequate under the authority of *Whitman v. Board of Supervisors* (1979) 88 Cal.App.3d 397 and *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713.

The DEIR at p.2.2-22 recognizes, “air quality is a regional issue” and “the cumulative study area for air quality impacts cannot be limited to a defined localized area, but rather include the SDAB as a whole.” Rather than identifying any projects (local or regional) having related impacts, the DEIR then focuses only on this project’s impacts when quantifying trip volumes, CO concentrations, changes to SANDAG growth forecasts or the current RAQS or SIP. These measurements are likely available as part of the environmental review for the projects identified in Table 1-6 or by calculations based on SANDAG growth forecasts for the region and should be made a part of the LHR cumulative impacts analysis.

This omission is particularly troubling since the DEIR does not even mention the following projects likely to have significant cumulative air quality impacts: Singh Power Plant, Palomar Aggregate Quarry, Gregory Canyon landfill, Campus Park, Campus Park West and Palomar College North Education Center. The DEIR does not even make a perfunctory effort to identify other projects or their related impacts. This failure to identify or analyze other projects renders the DEIR’s air quality cumulative impacts analysis deficient. This section must be revised and recirculated with the appropriate analysis.

The foundational inadequacies in the air quality cumulative impacts analysis undermine the so called mitigation measures which fail to provide “reasonable, feasible options for mitigating or avoiding the project's contribution to any significant cumulative effects.” If those effects have not been adequately analyzed in the first instance, then proper mitigation or avoidance has not been proposed for these unanalyzed impacts.

In fact, the mitigation proposed at M-AQ-6 and M-AQ-7 reflects the lack of reasonable analysis by proposing such ineffectual mitigation measures as provision of educational materials and promotion of ride sharing and alternate [unidentified] forms of transportation. These “mitigation” measures neither mitigate nor avoid this project’s contribution to significant cumulative air quality impacts by placing a dense, urban, automobile dependent community of over 5000 people in the middle of a rural, agricultural area without access to public or mass transit. DEIR p. 2.3-29. Mitigation measures should include provision of bus service and actual creation and implementation of ride share programs.

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Comments re: Transportation/Traffic Cumulative Impacts Analysis

Although this Subchapter sets forth a brief summary description of the cumulative projects reflected in Table 1-6, it provides no explanation supported by evidence for the 7-mile project radius geographic area used in the traffic cumulative impacts analysis as required by CEQA Guideline 15130(b)(3): "Lead agencies should define the geographic scope of the area affected by the cumulative effect and provide a reasonable explanation for the geographic limitation used." The DEIR should be revised to include this explanation. Oblique reference to the County's guidelines for significance without any explanation is not sufficient.

An adequate geographic scope is essential to adequate identification and analysis of cumulative traffic and transportation impacts, particularly to the I-15 corridor due to the large projects in the planning pipeline such as the Campus Park, Campus Park West, New Palomar College Campus, Warner Ranch, and North County Metro-NC 42 (Merriam Mountain) as well as the impact intensive projects identified at p. 1 of this letter which collectively will result in the addition of over 4000 residences and 1,009,000 square feet of commercial, office professional, retail and light industrial uses in the surrounding area, an aggregate quarry, and a 1,770 acre regional landfill.

The traffic cumulative impacts analysis refers the reader to Figure 1-23 as illustrating the cumulative projects within this seven mile radius but Figure 1-23 is a map of surrounding Community Planning Areas, not projects within a 7-mile radius of the project. In fact, it is entirely unclear what projects were actually included in the cumulative traffic impacts analysis as they are not specifically named or identified or analyzed. No effort is made to describe their related traffic impacts, the data supporting the impacts or its location.

Although the DEIR refers to the Meadowood development project as one of the cumulative projects, this project is not listed on either Table 1-5 or Table 1-6. As a result, the public has no information about this project, its location, acreage or description. The DEIR should correct this omission.

Overall, the traffic cumulative impacts analysis suffers from two major infirmities: (1) It provides only conclusions and no actual analysis of cumulative traffic impacts of other projects (which are not clearly identified) when data is reasonably available in traffic studies completed for some of the mentioned projects (such as Meadowood or Campus Park) or can reasonably be produced by further study; and (2) It improperly focuses on the project's significant cumulative impact to the complete exclusion of other past, pending or reasonably foreseeable projects.

With respect to item 1, although the DEIR refers the reader to Figure 2.3-8 as showing roadway segment ADTs in cumulative condition and Table 2.3-15 as illustrating intersections which would operate at substandard LOS E or F under the cumulative plus project conditions, in the absence of any description of the specific projects included in this analysis or the underlying traffic data from these projects used in these projections, the public has no way of knowing if these cumulative impacts have been adequately identified and analyzed. The same problem exists with respect to cumulative impacts to freeway segments because the projects have not

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been adequately identified.

With respect to item 2, in subsections entitled Existing Plus Cumulative Projects Plus Project in section 2.3.4 Significance of Impacts Prior to Mitigation, the DEIR focuses only on the **project's** significant cumulative impacts to the exclusion of other projects with related impacts. See pp. 2.3-41, 2.3-44, 2.3-45, 2.3-49, 2.3-50 ("The project would have a significant cumulative impact" to roadway segments and intersections); pp. 2.3-42, 2.3-45, 2.3-52 ("The project would have a significant cumulative impact" to I-15 freeway segments"). There appears to be no **reasonable analysis** of the cumulative impacts of relevant past, present and reasonably foreseeable projects. These subsections must be revised to include reference to and analysis of other projects.

Comments re: Agricultural Cumulative Impacts Analysis

We agree with and incorporate by reference the comments of the Cleveland National Forest Foundation submitted on August 19, 2013 by Shute, Mihaly & Weinberger regarding the inadequacies of the Agricultural Cumulative Impacts analysis.

Comments re: Biology Cumulative Impacts Analysis

The DEIR adopts an unreasonably small and local geographic scope to its Biology cumulative impacts analysis. This is a large, regionally significant project impacting 608 acres and adding over 5,000 residents and 90,000 square feet of commercial space with regional impacts. It is not reasonable to limit the cumulative impacts analysis to the eight small, local projects when there are additional local and regional projects with related biological impacts to special status species, riparian habitat, sensitive natural communities, jurisdictional waters or wildlife corridors in the vicinity. The biology cumulative impacts analysis is not adequate given its limited scope.

In addition, although the DEIR refers to eight projects identified for evaluation of cumulative impacts, it does not sufficiently identify these projects. The reader is referred to Table 1-5 which contains 13 local projects. Which 8 projects on this list were part of a cumulative impact analysis? Why were only 8 of the 13 chosen for inclusion? On what basis was the decision made to include or not include a project?

The reader is also referred to Figure 1-22 as illustrating the location of these 8 projects. However, Figure 1-22 is a topography map. It contains no information concerning these 8 projects or their location relative to the project site. Please correct this omission and precisely identify the projects included in any cumulative impacts analysis by name and location.

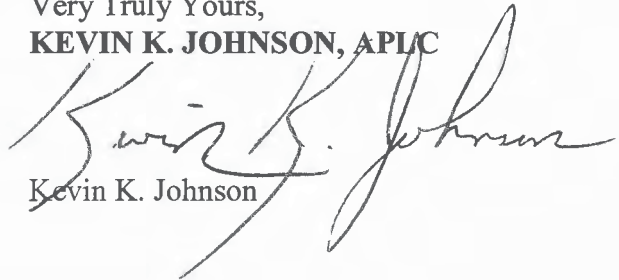
Conclusion

The Cumulative Impacts discussion in the LHR DEIR fails in fundamental ways to comply with CEQA Guidelines and caselaw. It repeatedly fails to identify which projects are included in its scattered cumulative impacts sections; it fails to provide a **summary** of the

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expected environmental effects to be produced by those projects with **specific reference** to additional information stating where that information is available; and, it fails to provide any **reasonable analysis** of the cumulative impacts of the relevant projects. The DEIR is fundamentally flawed and must be revised and recirculated.

Very Truly Yours,
KEVIN K. JOHNSON, AP/C

A handwritten signature in black ink, appearing to read "Kevin K. Johnson", written over a printed name.

Kevin K. Johnson

cc: Claudia Anzures, Esq. (via email)
Mark Mead, Esq. (via email)

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Subject: DEIR Public Comment to the Proposed Accretive Lilac Hills Ranch General Plan Amendment and Specific Plan PDS2012-3800-12-001(GPA), PDS2012-3810-12-001 (SP)-**General Plan and Community Plan Inconsistencies**

Dear Mr. Slovick –

Our firm represents Heart of Valley Center, a California Non-Profit Corporation. On its behalf, we offer the following comments on the General Plan and Community Plan Consistency discussion in the Draft Environmental Impact Report (“DEIR”). By way of summary, the failure of the DEIR to meaningfully analyze an unprecedented number of project inconsistencies with the County General Plan and the Valley Center Community Plan requires that the DEIR be rewritten and recirculated for public review and comment.

As you are aware, inconsistency is often evidence that an inconsistent project feature will have a significant environmental effect. If the inconsistency has not been identified or analyzed, significant environmental impacts of the Lilac Hills project may likewise have not been identified or analyzed. In addition, the inconsistencies may, or (in the case of this project) do, need to be cured before the project can be approved. *See Families Unafraid v. County of El Dorado* (1998) 62 Cal.App.4th 1332 (project must satisfy mandatory general plan policy that is fundamental and unambiguous).

Moreover, the type and number of GP policies requiring amendment in order to accommodate this inconsistent project will require far reaching revision of the San Diego County General Plan with appropriate comprehensive environmental review of associated impacts throughout the County.

I. GENERAL PLAN INCONSISTENCY OVERVIEW

In comments submitted over the last year, the Valley Center Planning Group and the Valley Center Design Review Board have challenged the proponent's assertions that this Specific Plan/General Plan Amendment ("SP/GPA") is consistent with the adopted County General Plan ("GP"), or with Valley Center's Community Plan ("VCCP"), or with Valley Center Design Guidelines.

These previous comments, which are attached hereto as Exhibits 1-2 are incorporated herein by reference, submitted as part of the public comments on this DEIR and require a response. These previous comments have also challenged the logic exhibited throughout the Specific Plan and now in the DEIR: that amending a particular GP Regional Category to suit the project somehow also reconciles the project's inconsistencies with a wide array of General and Community Plan Goals and Policies.

The proposed SP/GPA is inconsistent in broad and fundamental ways with the San Diego County General Plan and the Valley Center Community Plan. Further, the DEIR fails to disclose and analyze these broad and fundamental inconsistencies and their environmental consequences as CEQA requires. The DEIR is derelict in concluding as it does that: *"Overall the project would be consistent with the General Plan; therefore land use impacts associated with policy inconsistencies would be **less than significant**"* (DEIR Chapter 3 Environmental Effects Found Not To Be Significant p. 3-65). As explained below, the project presents multiple inconsistencies with the GP and VCCP and a "reasonable person" could not find this project to be consistent with either the GP or the VCCP. See *No Oil v. City of Los Angeles* (1987) 196 Cal.App.3d 223, 242; *Mitchell v. County of Orange* (1985) 165 Cal.App.3d 1185.

This DEIR fails to perform the analyses required for decision makers, first, to understand the parameters of this proposal, and, second, to appreciate the nature and reach of its impacts. The DEIR does not even have a rudimentary analysis of Consistency with the General Plan.

Internal consistency of all County General Plans in California is required by California State Law. Therefore, in considering a Specific Plan, particularly one that requires amendments to an adopted General Plan, it is crucial to understand exactly where the Specific Plan is inconsistent with General Plan regional categories, land use designations and road classifications, principles, elements, goals and policies.

A Specific Plan is an implementation vehicle. Approval requires compliance with CEQA. A DEIR must examine consistency issues including the web of interconnected and mutually-supporting elements, goals, policies and maps of the County General Plan. 14 Cal. Code Regs. Section 15125(d). Inconsistency requires denial of the project, re-design of the project or amending the General Plan to fit the Specific Plan – the tail wagging the dog.

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Making major changes to, for example, the Land Use, Mobility and Safety Elements in the San Diego County General Plan to achieve consistency with the proposed Specific Plan will require revisiting the environmental impacts of the entire San Diego County General Plan. Specific amendments, if not pursued with great caution, would possibly invalidate the entire San Diego County General Plan based upon internal consistency defects.

These are all of course very serious issues for the entire County. Accordingly, both the law and sound public policy require that the DEIR for this SP/GPA analyze specifically and individually the General Plan Vision and Guiding Principles and the reflection of these in the Community Development Model, as well as specific goals, policies and relevant maps across the GP's seven elements: Land Use, Mobility, Conservation and Open Space, Housing, Safety and Noise. The goals and policies of the Bonsall and Valley Center Community Plans must also be considered.

Once inconsistencies are disclosed there are only three ways to resolve them: reject the project, re-design the project, or re-build the County General Plan to suit these applicants. Inconsistencies with General and Community Plans, Design Guidelines and other ordinances and policies are NOT subordinate to this project's Specific Plan, as the Specific Plan asserts.

California Government Code Section 65454 "Consistency with General Plan" provides:

No specific plan may be adopted or amended unless the proposed plan or amendment is consistent with the General Plan.

As detailed below, the Accretive Lilac Hills SP is inconsistent with multiple principles, goals and policies of the County General Plan and the VCCP. These inconsistencies must be fully identified, analyzed and cured.

II. GP AMENDMENTS NECESSARY TO ACCOMMODATE THIS SP/GPA WILL REQUIRE REJECTING THE GP'S FOUNDATIONAL VISION OF SMART GROWTH AND ELIMINATING MANY GP POLICIES SUPPORTING IT.

It is manifestly not the intention of the San Diego County General Plan to drop "new villages" into semi-rural and rural areas. To the contrary, the County General Plan is rooted in its "Smart Growth" intention. Smart Growth is a two-sided concept. On the one hand, Smart Growth locates future development in areas where infrastructure is established; and on the other hand, Smart Growth also retains and/or enhances the County's rural character, economy, environmental resources, and unique communities. These are integrated, co-dependent concepts. They work together.

The proposal to drop a dense, from-scratch 608-acre Village of 5000 people into

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several thousand acres of infrastructure-lacking, Semi-Rural and Rural land is fundamentally inconsistent with the County's commitment to "sustainable development." This foundational concept is described at length in the introduction to the County General Plan; and it is expressed across the web of interdependent GP Guiding Principles, Goals and Policies that have been put in place to bring about the County's Smart Growth Vision. To reject this Vision now will, in essence, require an entirely new County General Plan.

III. PARAMOUNT AMONG THE PROJECT'S GP INCONSISTENCIES IS ITS FAILURE TO COMPLY WITH LAND USE GOAL LU-1 AND POLICY LU-1-2

Consistency with Land Use Goal LU-1 and with Policy LU-1.2 is especially crucial for this project's approval. These provisions speak directly to the requirements for establishing NEW villages in San Diego County. They emphasize the primacy of the Land Use Element and the Community Development Model, and prohibition of Leapfrog Development.

Land Use Element Goal LU-1: Primacy of the Land Use Element. *A land use plan and development doctrine that sustain the intent and integrity of the Community Development Model and the boundaries between Regional Categories.*

Land Use Element Policy LU-1.2: Leapfrog Development. *Prohibit leapfrog development which is inconsistent with the Community Development Model. Leapfrog Development restrictions do not apply to new villages that are designed to be consistent with the Community Development Model, that provide necessary services and facilities, and that are designed to meet the LEED- Neighborhood Development Certification [LEED ND] or an equivalent. For purposes of this policy, leapfrog development is defined as Village densities located away from established Villages or outside established water and sewer service boundaries. (See applicable community plan for possible relevant policies.)*

The DEIR for this SP/GPA asserts that the project is consistent with GP Policy LU-1.2. But, this is clearly not the case. The SP/GPA fails in the most fundamental ways to respect the County's commitment to sustainable development.

- A. The project is inconsistent with the GP Community Development Model,
- B. The project is inconsistent with LEED ND standards,
- C. The project is inconsistent with the 3rd requirement for waiving the prohibition on leapfrog development: provide necessary services and facilities. Among other impacts, the project requires (at least) ten (10) modifications to the County road standards to REDUCE capacities to sub-standard levels. Traffic impacts are significant and deemed unmitigable by the DEIR and the project fails to meet 5 minute response times for Fire and Emergency Medical Services.

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The project also fails to present a legal and viable point design for sewage and waste water treatment and there is insufficient, unavailable right of way for private roads into and out of the proposed development.

A. The Accretive SP/GPA is Inconsistent with the GP Community Development Model

The proposal, by definition, is inconsistent with the Community Development Model because consistency can be achieved only by amending the General Plan to fit the project. The General Plan states (San Diego County General Plan: Land Use Framework; Community Development Model, p.3-6): *"The Community Development Model directs the highest intensities and greatest mix of new uses to Village areas, while directing lower-intensity uses, such as estate-style residential lots and agricultural operations to Semi-Rural areas To facilitate a regional perspective the Regional Categories of Village, Semi-Rural and Rural Lands have been applied to all privately-owned lands ..."*

First, as the above statement in the County General Plan makes clear, **the Community Development Model is *not* a moveable abstract concept**. If this were true then Village "puzzle pieces" could be dropped into Semi-Rural and Rural lands anywhere in the County and pronounced consistent with the Community Development Model.

Rather, the Community Development Model reflects a complex of planning principles and ideas that are expressed through the whole system of the General Plan's Regional Categories. Amending a Regional Category, therefore, requires also amending the network of planning concepts that the category implements, for example:

1. The General Plan states (pp.3-7), *"Village areas function as the center of community planning areas and contain the highest population and development densities. Village areas are typically served by both water and wastewater systems. Ideally, a Village would reflect a development pattern that is characterized as compact, higher density development that is located within walking distance of commercial services, employment centers, civic uses, and transit when feasible."*
2. The proposed site is designated not for Village development but for large semi-rural parcels (SR 10 and SR-4). This SP/GPA proposes to place a high density Village into the middle of an area that the Community Development Model designates for Semi-Rural and Rural development. This action requires **AMENDING** the Community Development Model. Instead, with no discussion or analysis, the SP/GPA and the DEIR all assert that consistency with the Community Development model is achieved with a simple change to the Land Use map.

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3. The site abuts SR-4, SR-10 and Rural-40 acreage. The Community Development Model **requires** a “feathering” of residential densities from intense Village development to SR-0.5, SR-1, SR-2, SR-4, and so forth. (GP pp. 2-8 through 2-9) The Accretive SP/GPA is inconsistent with the concept of feathering which is reflected properly in the current pattern of land use designations in Valley Center’s central valley.
4. This SP/GPA is located many miles from areas that the Community Development Model designates for Village development and miles from employment centers, shopping, entertainment, medical services, and civic organizations and activities.
5. Regarding infrastructure, there are few existing roads in the area. They are built and planned to service Semi-Rural and Rural development, as in the current General and Community Plans. Despite proposing intense Village development, the proponents also propose to retain or **reduce** capacities of these roads. Water infrastructure serves 50 homes and agricultural irrigation. There is no wastewater service.
6. The intent of the Community Development Model is to intensify development in **existing** Villages -- not to create NEW Villages through the destruction of Semi-Rural and Rural lands. The Community Development Model was applied in Valley Center during the General Plan update process. Village boundaries were drawn. Village densities were planned to feather from the commercial and mixed use core to meet the Semi-Rural designations. Twenty-five percent (25%) of the community’s future development is now planned for the “Village” area in the center of the Valley Center Planning Area, at the community’s traditional “crossroads” where road, water and wastewater infrastructure, as well as schools, churches, shops and businesses are **already** in place.
7. A key component of including a Community Development Model in the General Plan with “integrity” was to create a framework for future growth in and around existing villages. The DEIR ignores this GP concept by concluding that a high density project placed in a semi-rural and rural area would not be growth inducing. This conclusion defies reality and contradicts the General Plan which identifies existing villages as the hubs for growth.
8. The lands surrounding the proposed project (and some lands which the proposed project surrounds) will still be designated at lower semi-rural densities than the village densities proposed for the Accretive SP/GPA. Into the future, these land owners will likely seek similar higher density treatment. The County has a long track record of approving General Plan Amendments that increase density using the density of adjacent properties as justification. The DEIR claims that this would not occur, but history and reality have proven otherwise.

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9. The DEIR refers to the Property Specific Request (PSR) General Plan Amendment process that was directed by the Board of Supervisors and claims that the project is not growth inducing. This suggestion is misleading. The outcome of the PSR/GPA process remains to be seen. Approval is not a foregone conclusion and processing will be lengthy. More likely is that approval of the Accretive Lilac Hills project would usher approval of the PSRs/GPAs in Valley Center, thus inducing unplanned growth of this area.

Second, the project design defies the GP principles, goals and policies for Village development and for Village expansion, which the Community Development Model reflects.

1. The 608-acre project site, only a portion of which is actually owned by the applicant, sprawls 2 miles N-S, and 2 miles E-W across several thousand acres, largely in active agriculture. These surrounding acres are owned by people whose dreams and ambitions for their rural properties are in accord with the Community Development Model's Regional Category assignment: Semi-Rural and Rural.
2. The sprawling site creates some 8 miles of edge effects that will threaten surrounding agriculture, horticulture and animal husbandry that the GP Community Development Model protects by designating this area for Semi-Rural and Rural development. This sprawling shape also increases the likelihood that the proposed project will be growth inducing as previously mentioned.
3. With 1746 units and 90,000 SF of commercial on 608-acres, there is insufficient land available for "feathering" residential densities as the Community Development Model intends and describes.
4. The site requires 3 separate commercial nodes to support the "walk-able" claim. The project cannot be characterized as a "walk-able Village" when it is, in fact, three circles of dense housing. Two of these housing areas are at least a mile from what the Community Development Model would characterize as Village amenities. The LEED Neighborhood Development standard ("LEED ND") for "walking distance" is ½ mile, the GP also cites ½ mile (GP, p.3-8).
5. This is not the "walk-able" compact Village it purports to be. The faux Town Center is more than one and a half miles from the ½ mile standard required by LEED ND and cited in the General Plan.
6. The proximity of Rural Lands to the project presents wildfire threats which the applicant's Fire Protection and Evacuation Plans recognize. However the threats are not adequately mitigated. In addition to wildfire, the Accretive project adds the additional hazards of Urban Multi Story Structure Fires and nearly two orders of magnitudes increased volume and complexity of Emergency Medical Services

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(EMS). The Accretive Fire Protection Plan barely mentions the Structures and EMS hazard potential, and does not provide reasonable mitigation plans. The Deer Springs Fire Protection District (DSFPD) has gone on the record three times (6/12/2012, 3/5/2013 and 8/7/2013) stating that DSFPD has major issues with the Project as proposed. Accretive has glossed over these issues raised by a Public Safety agency and the County has allowed the Project to proceed in the General Plan Amendment process. The DEIR needs to specifically address the issues raised by the DSFPD.

B. The Accretive SP/GPA is Inconsistent with LEED Neighborhood Development Certification standards

Compliance with LEED Neighborhood Development Certification standards is a second critical requirement for this project. Without meaningful analyses required by CEQA, the DEIR merely asserts compliance with LEED-Neighborhood Development requirement.

The DEIR is required to comprehensively address the numerous and exacting requirements of LEED Neighborhood Development Certification ("LEED ND"). If the County is not applying LEED ND but an "equivalent standard" as policy LU1-2 allows, the DEIR analysis must name the standard and show how it is equivalent.

We believe there is no recognized equivalent to LEED ND.

Attached hereto as Exhibit "3" are key excerpts from the booklet, ***LEED 2009 FOR NEIGHBORHOOD DEVELOPMENT***. However, the DEIR, in analyzing consistency, should consider the entire publication where these exacting standards are discussed and illustrated in detail. The booklet is published by the U.S. Green Building Council and is available on its website, USGBC.org.

As the attached excerpts make clear, to obtain LEED ND Certification, certain location, conservation and design criteria are mandatory. This means that, regardless of how many "points" are accumulated for "green" amenities, LEED ND Certification cannot be achieved without meeting essential standards in particular categories.

GP LU Policy 1-2 provides that the Accretive SP/GPA must comply with all essential standards that are required for LEED-Neighborhood Development Certification. These standards include the following:

SMART LOCATION and LINKAGE

These are PRE-REQUISITE criteria. Compliance is mandatory.

Prerequisite 1 Smart Location

Prerequisite 2 Imperiled Species and Ecological Communities

Prerequisite 3 Wetland and Water Body Conservation

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Prerequisite 4 Agricultural Land Conservation
Prerequisite 5 Floodplain Avoidance

NEIGHBORHOOD PATTERN AND DESIGN

These are PRE-REQUISITE criteria. Compliance is mandatory.

Prerequisite 1 Walkable Streets
Prerequisite 2 Compact Development
Prerequisite 3 Connected and Open Community

Accretive's SP/GPA fails to meet fundamental requirements for LEED ND Certification for the following reasons:

1. **The site is not a "Smart Location."** (See p. 1 LEED 2009 for Neighborhood Development ("LEED 2009") attached hereto as Exhibit 3). The EIR concludes that the project is consistent with LEED ND but completely overlooks its mandatory site selection requirements. Further, the EIR does not address how this site selection aspect of LEED ND can simply be overlooked when the LEED program was specifically designed to "place emphasis" on site selection. A fundamental premise of Smart Growth is to lower automobile dependency as compared to average development. The SANDAG average miles/trip for all of San Diego County is 5.8 miles/trip. The SANDAG average miles/trip for unincorporated San Diego County is about 13 miles/trip which is why the region is directing growth to the incorporated cities and existing villages. Accretive is proposing an automobile based urban sprawl community that even with exceedingly high and unsubstantiated internal trip rate estimates (see traffic analysis submitted under separate cover) is 47% higher than the San Diego County average (8.52/5.8) trip distance.
2. **The site is too large (exceeds the 320-acre maximum size).** (See p. xvi LEED 2009) This maximum area is based on critical factors such as providing the appropriate density of services and neighborhoods within a compact community and achieving walkability. The EIR fails to address how the project is still in compliance with the LEED ND program when it exceeds a standard that was determined by the "core committee's research."
3. **The proposed SP/GPA fails to meet LEED ND standards for a "walkable" neighborhood** (See p. xvi LEED 2009). The DEIR repeatedly asserts that the proposed project will be "walkable". However, the only "evidence" provided of "walkability" consists of three circles on a map and a suggestion that someone could walk to someplace within any circle. This does not evidence or constitute a walkable community. The LEED ND standards were developed through the research of a core committee which suggests that a walkable neighborhood is no more than 320 acres and all services, civic uses, employment, and high density housing are contained within that 320 acres.

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Describing the proposed project as walkable is unsubstantiated and misleading. Further, technical analyses that rely on the unfounded and unsubstantiated premise that the project is walkable have impacted the assessment of impacts and thereby likely underestimated the impacts of the project on traffic, air quality, and greenhouse gas emissions.

4. **The proposed project is neither an infill site nor a new development proximate to diverse uses or adjacent to connected and previously developed land. It is sprawl placed into a functioning agricultural area, with no existing infrastructure.** (See p. 1 LEED 2009) The objectives of the LEED ND program are clearly compatible and in alignment with the guiding principles of the County of San Diego's General Plan and with the siting of "new green neighborhoods." As a result, the LEED ND program was integrated into the Leapfrog development policy of the General Plan. Any proposed deviation from LEED ND, such as ignoring siting criteria, size restrictions, and density guidelines, should be carefully scrutinized for significant environmental impacts.
5. **Because a site design is not available for the Town Center area we have no way of knowing whether this area itself complies with LEED ND standards.** The Specific Plan claims compliance, but this claim is not substantiated.
6. **The site is not served by existing water infrastructure that is adequate to serve urban density.** Water infrastructure is designed for agricultural users and needs significant revision for high density Urban uses. There is no wastewater infrastructure.
7. **No water or wastewater service is planned to serve urban development of this area.** (See p. 1 LEED 2009) The General Plan and the VCMWD's plans do not currently call for expansion of the infrastructure required for a project such as this. The Project clearly must provide new water and wastewater infrastructure but it cannot do so because Accretive does not own sufficient easements for sewer and wastewater lines. (See Letter from Kevin K. Johnson APLC regarding Wastewater Management Alternatives Study submitted to the County on August 9, 2013).
8. **The Project description demonstrates that the SP/GPA cannot satisfy ANY of the 3 OPTIONS for the Smart Location REQUIREMENT**(See p. 1 LEED 2009):
 - a. It is not an Infill Project.
 - b. It is not an Adjacent Site with Connectivity (does NOT have is at least 90 intersections/square mile as measured within a 1/2-mile distance of a continuous segment of the project boundary, equal to or greater than 25% of the project) boundary, that is adjacent to previous development.

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- c. The site is not designed as a Transit Corridor or Route with Adequate Transit Service. The only mass transit consists of two bus routes located 4 miles north of the Project which run the circuit of the 4 Indian Casinos on SR- 76.
- d. None of the LEED ND significant public transit service requirements are met by the proposed circulation system.
- e. The only transit mentioned by the Specific Plan and/or the DEIR is that NCTD might consider a bus stop serving part of the project. This is inadequate.

C. The Accretive SP/GPA fails to provide necessary services and facilities for the intense urbanization being proposed.

1. ROADS. Traffic impacts are significant and the applicant has proposed no acceptable mitigation measures.

Accretive proposes Village development of a rural area but it **does not propose Village capacity roads** necessary to accommodate the traffic that will be generated by the Village project. Incongruently, and not disclosed or analyzed openly in the SP or the DEIR, the applicant has proposed ten (10) modifications to the County Road Standards that will *reduce capacities* of roads that were planned, in the first place, to accommodate Rural and Semi-Rural residential development.

One key purpose of the General Plan Mobility Element and County Road Standards is to specify road standards and automobile capacities that are necessary to serve surrounding land uses throughout the County. Land Use and Mobility Elements are coordinated and interrelated. Village-capacity roads are specified as necessary to serve Village land uses. Degrading road capacity standards will likely cause a variety of known and unknown environmental impacts.

In essence, the applicant proposes to compromise standards that are employed uniformly across the County in order to win for themselves entitlements to urbanize land uses -- without responsibility for urbanizing road capacities. Specifically, they propose to add 20,000 Average Daily Trips to Mobility Element roads, and to pass the real costs of improving these roads on to the taxpayers. They seek "consistency" with County planning standards not by complying with them, but by relaxing them.

For example, their proposal is to **DOWNGRADE** West Lilac Road from its current Class 2.2C to a reduced-capacity Class 2.2F (DEIR Ch. 3, p. 65). They further propose that two segments of West Lilac Road and one segment of Old Highway 395, which will operate at unacceptable Levels of Service E and F as a result of the Project be sanctioned as official "exceptions" to the County standard for minimum Level of Service. TIF fees of approximately \$5 Million are utterly inadequate to afford the road reconstruction necessary to service this development's traffic. The Valley Center Road widening five years ago cost in excess of \$50 million.

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In remote places road improvement costs are often enough to make projects infeasible. Here the project applicant argues *against* improving roads to capacities that are functional and safe because it:

- is too difficult and costly
- will require rights-of-way that may be unobtainable
- will be time consuming to construct
- will be disruptive to off-site property owners
- will face opposition from existing neighbors
- will require condemnation of right-of-way
- will impact biological open space

These are, of course, the exact reasons why the San Diego County General Plan and LEED Neighborhood Development both direct urban development away from undeveloped sites like this one into areas where infrastructure, necessities and amenities required for urban dwellers are already present. In other words, the clear goal is to avoid sprawl.

The proposed SP/GPA will add 5000 urban residents to country roads while *reducing* road widths, *reducing* road design speeds and *ignoring other standards* established for safe, efficient transportation. The proposal:

- Fails to provide necessary services and facilities
- Is inconsistent with GP premises that development will pay for itself;
- Is inconsistent with the GP minimum standard for LOS D on County roads;
- Compromises the safety, comfort and quality of life of prospective residents as well as all the other residents of Valley Center who depend on these Mobility Element roads.

. Sanctioning the requested road standard exemptions will create significant long term SAFETY and liability issues for the County of San Diego.

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2. INTERSECTIONS. Additionally, in order to meet County Road Standards, two out of four secondary access intersections (Covey Lane and Mountain Ridge) with public roads will require the use of County prescriptive rights (for continual brush clearance) and eminent domain (to secure land from unwilling property owners). Accretive Investments has filed Sight Distance Analyses on these two intersections that confirm the above assertion.

3. RESPONSE TIME. The SP/GPA fails to meet 5 minute response time for Fire and Emergency Medical Services. The Deer Springs Fire Protection District has commented in writing that none of the proposed options listed in the Specific Plan and Fire Protection Plan are feasible solutions for the District to meet the 5 minute emergency

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response requirement for Lilac Hills Ranch.

4. WASTEWATER TREATMENT. The project fails to present a legal and viable point (site location and sewage and waste water treatment functional description) design for sewage and waste water treatment. The preferred option listed by the applicant lacks legal right of way for offsite sewer and recycled water pipelines.

IV. THE ACCRETIVE S/GPA IS INCONSISTENT WITH THE PURPOSE, INTENT AND GUIDING PRINCIPLES OF THE COUNTY GENERAL PLAN ,

A. Purpose of the General Plan. Chapter 1 of the General Plan contains in its Introduction and Overview an array of highly relevant directives that the DEIR fails to identify and discuss.

*The General Plan must be referred to in its entirety, including separately bound portions (such as community plans). While the General Plan is internally consistent, some issues are addressed through multiple policies and some receive refined and more detailed direction in community plans.
(GP at p.1-4)*

1) Policies cannot be applied independently.

2) If you are a SD County resident or property owner, the General Plan indicates the general types of uses that are permitted around your home and changes that may affect your neighborhood, and the policies the County will use to evaluate development applications that might affect you or your neighbors. The Plan also informs you regarding how the County plans to improve mobility infrastructure, continue to provide adequate parks, schools, police, fire, and other public services, protect valued open spaces and environmental resources ...

3) Future development decisions must be consistent with the Plan.

4) The essence of the Plan lies in its goals, policies, and implementation programs.

*5) Policies provide guidance to assist the County as it makes decisions relating to each goal and indicates a commitment by the County to a particular course of action.
(GP at p.1-5)*

B. General Plan Guiding Principles. These Guiding Principles are intended to GUIDE development and conservation in San Diego County.

Advance Planning Staff worked with hundreds of stakeholders-citizens, property owners, real estate developers, environmentalists, agricultural organizations, building

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industry representatives, and professional planners-for years to create a General Plan that would build what is reasonably needed, and to conserve what we must. These Guiding Principles gave birth to the Community Development Model, and to the systematic method through which planning principle, and the County's commitment to authentic sustainable development, was transferred from human hearts and minds to the ground.

The DEIR should, but does not, thoroughly discuss and analyze the GP Guiding Principles (GP pp. 2-6 through 2-15), but merely cursorily sets them out and in some cases, without analysis of to the factual aspects of the Accretive project, asserts compliance.

The following discussion reviews several key **San Diego County General Plan Guiding Principles**, their application to the proposed project and reveals the project's failure to comply with these guiding principles.

:

Guiding Principle 1: Support a reasonable share of regional population growth. (GP p. 2-6)

The DEIR fails to note that the GP forecasts Valley Center to have 9,796 residential housing units at the end of 2030, the General Plan planning horizon. (GP Housing Element Update Report p. 41). At the average Valley Center persons/house factor of 2.97 persons, this equates to a residential population at build-out of 29,094, not the 41,000-plus that would result from this project's placement of a new city in the middle of a well-functioning agricultural area. This discrepancy is not recognized or analyzed. Additionally, the General Plan already accommodates more growth than SANDAG projects for 2050. In this context, the DEIR fails to justify the need for 1,746 additional homes and 90,000 additional SF of commercial.

There are significant environmental and planning consequences from providing an excess of housing and employment in a rural area that are not addressed in the DEIR:

1. As a region, with SANDAG providing coordination, we have been trying to steer growth to incorporated cities where transportation investments are occurring and goods, services, and employment are in abundance. The proposed project undermines this effort. It contradicts growth principles that all jurisdictions have developed through SANDAG, and conflicts with the Regional Transportation Plan and Sustainable Communities Strategy (SCS).
2. The SCS is the region's strategy for addressing GHG emissions targets for land use and transportation yet the DEIR fails to address the consequences of the proposed project conflicting with it.
3. By providing a glut of housing in a rural area, the proposed project throws a wrench in the region's growth strategy. The provision of more

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homes in Valley Center will reduce the demands for homes elsewhere. Generally, it has been the incorporated cities that have needed to plan for more homes to accommodate future regional growth. The proposed project will eliminate that need by 1,746 homes. If built in the incorporated cities pursuant to regional plans, these homes would have shorter vehicle trip lengths, be closer to transit, jobs, and services, and use less water and electricity. The DEIR fails to address these consequences.

There are also impacts of providing excessive commercial uses. The proposed project plans for commercial uses in excess of local and regional forecasted needs. There are two possible consequences of this situation:

1. The commercial space in the proposed project will remain vacant and the town center will not function as intended;
2. The proposed project will pull commercial uses from other existing commercial areas nearby such as the Valley Center and Bonsall town centers. This will result in vacancies and blight in these village centers and will undermine their growth strategy and vision.

The DEIR needs to include a comprehensive economic study of the proposed project and its economic viability within the context of community and regional plans. The results of such a study will reveal grounds for the evaluation of additional environmental impacts of the project.

Guiding Principle 2: Promote health and sustainability by locating new growth near existing and planned infrastructure, services and jobs in a compact pattern of development. (GP p. 2-7)

As previously discussed, the Accretive project site lacks both existing and planned infrastructure. Infrastructure proposed by the project cannot be provided at a level consistent with County standards. The proposed project is not a compact pattern of development. It sprawls over 2 miles and has to include 3 town centers rather than 1 to try to support the claim that it is “walkable” and thus, presumably, compact.

The project and DEIR fail to analyze this inconsistency with Guiding Principle 2 (and its implementing Goals and Policies) and attempt to avoid it with the fiction that adopting a map with different land use designations for 608 acres will create compliance with the County General Plan.

The GP and VC Community Plan currently embody and comply with Guiding Principle 2, with the design for the central Villages and the feathered-out supporting semi-rural and rural designations. The Accretive project is inconsistent with and would destroy that design and compliance.

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Guiding Principle 3: Reinforce the vitality, local economy, and individual character of existing communities when planning new housing, employment, and recreational opportunities. (GP p. 2-9)

The Accretive project does not comply with or implement this Principle. The DEIR fails to recognize Valley Center's two existing villages or analyze the impact of the Project on the existing and proposed central Village economy and character. In its inadequate discussion of the key CEQA issue whether the project will physically "Divide an Established Community" the DEIR states that there is no established community! (DEIR Ch. 3, section 3.2.4, p. 3-120.) and thus there is no need to address this issue in the DEIR. The central valley villages DO exist, they are the heart of the existing Valley Center community, and they are where the GP and CP plan Valley Center's future growth consistent with the General Plan. Consistency with Guiding Principle 3 must be fully analyzed in the DEIR.

Guiding Principle 4: Promote environmental stewardship that protects the range of natural resources and habitats that uniquely define the County's character and ecological importance. (GP 2-10)

The Project fails to comply with this principle and proposes bulldozing 4 Million cubic yards of natural hills to make manufactured slopes to accommodate an urban-styled city in an active and productive agricultural area.

Guiding Principle 5: Ensure that development accounts for physical constraints and the natural hazards of the land. (GP 2-11)

In contrast to this principle, the Project proposes bulldozing 4 Million cubic yards of natural hills to make manufactured slopes, to accommodate an urban-styled city in an active and productive agricultural area.

Guiding Principle 6: Provide and support a multi-modal transportation network that enhances connectivity and supports community development patterns and, when appropriate, plan for development which supports public transportation. (GP 2-11)

The DEIR indicates that NCTD might be interested in a bus stop. The project is isolated from existing villages and entirely car-dependent. If approved there are no commercial amenities, no schools, and no parks until phase 3, 6-8 years after building phase one houses in an area entirely removed from public transportation. The Project does not have easement rights for the required ingress and egress to the planned homes. If the homes were constructed, they would undermine rather than enhance existing connectivity by the applicant's request to downgrade a portion of West Lilac Road from a 2.2C Circulation Element road to a 2.2F Circulation Element road.

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In short, my adding 5,185 residents in an automobile dependent commuter community with no access to public transit and with a degradation in road standards, the project will degrade emergency ingress and egress for fire, law enforcement and evacuation in the event of fire and detract from, not support, community development patterns in the existing central Villages.

Guiding Principle 7: Maintain environmentally sustainable communities and reduce green house gas emissions that contribute to climate change. (GP p. 2-12)

This Project claims it is environmentally sustainable, but ignores fundamental requirements for sustainable building where substantial investments have already been made in urban infrastructure and amenities. Moreover, the project replaces agricultural operations and functioning rural lands that genuine “sustainable development” would preserve and protect. The characterization of the project as “sustainable” is without factual support and undermines the ability of the public and decisions makers to reasonably evaluate the project and its impacts.

Guiding Principle 8: Preserve agriculture as an integral component of the region’s economy, character, and open space network. (GP p. 2-13)

The Project conflicts with this principle by removing 504 acres of productive agricultural lands from use and replacing this valuable acreage with an urban city. The DEIR relies on an inappropriate model to devalue existing productive agriculture and ignores the reality that the project site and surrounding area contain some of the most unique and valuable agricultural operations in the region.

Guiding Principle 9: Minimize public costs of infrastructure and services and correlate their timing with new development. (GP p. 2-14)

The SP and implementation plan are inconsistent with this principle and are geared to increase public infrastructure costs while minimizing the Applicant’s infrastructure costs, in an area currently devoid of infrastructure.

Guiding Principle 10: Recognize community stakeholder interests while striving for consensus. (GP p. 2-14)

This applicant has ignored the Valley Center community and the Valley Center Community Planning Group throughout the planning process. No changes or attempts to reach consensus were ever made in response to community comments and concerns.

The project is inconsistent with and fails to fulfill the foregoing guiding principles.

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V. COUNTY PLANNING STAFF IDENTIFIED 121 GP POLICY CONFLICTS IN THE SCOPING LETTER. THESE CONFLICTS ARE NOT ANALYZED IN THE DEIR OR THE SPECIFIC PLAN

On June 13, 2012, County staff issued a “*Project Issue Checklist*” listing (on 350-plus pages) more than 1000 project “issues” regarding the project and its planning documents. The list included Major Project Issues (with GP Policies) as well as GP and CP Policies that posed potential conflicts.

The staff directive to the applicant at that time was, “*Please immediately review the policies and indicate to staff how you would propose to revise these policies or if you disagree with staff’s analysis. If policy revisions are required to the County’s General Plan, then the project’s EIR must also analyze the impacts to the County’s General Plan.*” In subsequent editions, the “Checklist” refers the reader to other documents – in some instances to a GPAR (General Plan Amendment Report), in others to the Land Use Section of the DEIR. However, a review of these resources shows there is no policy by policy discussion of consistency. This level of analysis must be provided.

The June 13, 2012 version of the Project Checklist is attached hereto as Exhibit “4”. The DEIR should discuss in detail each of these GP and CP consistency issues.

VI. THE LIMITED CONSISTENCY ANALYSIS THAT DOES APPEAR IN THE DEIR IS INCOMPLETE AND INSUFFICIENT

The DEIR (in Section 3.1.4.1, pp 3-56–3-64) lists what it calls the “relevant policy and regulatory framework” for the project. But this list is not the detailed analyses that CEQA requires; instead, under the rubric of “Existing Conditions” this section is mainly a summary of applicable planning documents.

Section 3.1.4.2 (p 3-64) is titled “Analysis of Project Impacts and Determination of Significance.” In the subsection entitled “*Impact Analysis*” specifics are either missing or inadequate, and replaced with brief descriptions of the project followed by unsupported assertions. Select examples follow:

1. The DEIR fails to identify the array of GP policies that would have to change in order to approve the proposed SP/GPA. Instead, the DEIR merely asserts the unsupported conclusion that: “*The proposed project includes a General Plan Amendment which, if approved, would result in the project being consistent with the General Plan.*”
2. There is no discussion of LEED ND criteria, and the GP Community Development Model is presented as if it is no more than an arrangement of densities rather than a reflection of a whole complex of interdependent ideas about sustainable development. Nevertheless, the DEIR asserts without any

substantiation that *"the proposed project would be consistent with the Community Development Model of the County General Plan and designed to meet the LEED Neighborhood Development Certification or an equivalent."*

3. In the few cases where specific GP policies are cited, the evidence for consistency with the policy is in some cases asserted by merely repeating the language of the policy itself. For LU-1.2: *"the project is not "leap frog development" because it is designed to conform to the Community Development Model, provides necessary services and facilities, and would be designed to meet the LEED Neighborhood Development Certification or an equivalent."* For LU3-1, LU3-2 and LU3-3: *"The project likewise provides 'a complete neighborhood' to include a neighborhood center within easy walking distance of surrounding residences (LU-3-3) while providing a mixture of residential land use designations and development regulations that accommodate various building types and styles (LU-3-1 and LU-3-2)."*
4. In a few cases where the SP/GPA proposes amendments to Mobility Element road classifications or acceptable LOS, the DEIR asserts that the SP/GPA is not inconsistent with the GP because relaxing the standards makes it consistent. Again, the tail is wagging the dog and consistency is achieved only by amending the General Plan to fit the project.
5. The DEIR (Section 3.1.4, p 3-56, Land Use Planning, line 4) refers the reader to the Specific Plan, and asserts incorrectly (p. 3-65) that *"the project's conformance with other General Plan policies is detailed in the Specific Plan. Overall, the project would be consistent with the General Plan; therefore land use impacts associated with policy inconsistencies would be less than significant."*
6. In its cursory and indefensible dismissal of Growth Inducement (DEIR 1.8.1 p. 1-37) the DEIR states: *"...While the project site and surrounding areas are not identified in the General Plan for growth, it is a location where such growth is likely to occur because the project area can accommodate the growth."* The DEIR then makes the untenable assertion that : *"Typical obstacles to growth include a lack of services and infrastructure **which are not present in this area.** The project area is positioned in proximity to the I-15 and within existing districts for sewer water and fire service. There is an adequate road network offering multiple routes throughout the project and would ultimately connect with freeway ramps."* Elsewhere, the DEIR acknowledges and recognizes the project's lack of infrastructure in the areas of road, water and sewer but inconsistently asserts at p. 1-37 that these obstacles to growth are not present in this area. The DEIR disingenuously continues: *"By itself, the proposed project takes advantage of the location of the project site, but would not result in any change in density for surrounding areas...."* There is a brief reference to potential increased density from

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Property Specific Requests near the Project, **but there is NO discussion or analysis of the growth inducing impacts of new road, water and sewer infrastructure that properties west, east and south of the project would rely upon as reasons why they too should be developed at comparable higher, urban densities. The DEIR's conclusions concerning growth inducement are indefensible.**

7. The DEIR should also discuss and analyze the growth inducing impact and precedential effect of approving this project's notion that the Community Development Model is simply a "Village" puzzle piece that any developer can drop anywhere in the San Diego County's rural countryside.
8. There is no General Plan Amendment Report (GPAR). Historically, a GPAR presents the details of a GPA and discusses its consistency, or lack of consistency, with all GP elements, but this *Specific Plan* text does NOT include a *General Plan Amendment Report* (GPAR) even though the SP at page 1-12 states that "... Chapter V of the General Plan Amendment Report and Appendix A provides detailed analysis regarding how and why this Specific Plan is consistent with the goals and policies of the County General Plan..." There is neither a GPAR nor an Appendix A! This is a fundamental problem requiring a rewrite and reissuance of the DEIR.

VII. ADDITIONAL APPLICABLE GENERAL PLAN GOALS AND POLICIES NOT DISCUSSED OR ANALYZED IN THE DEIR INCLUDE:

A. Land Use Element

LU-1.4 Village Expansion: *"Permit new Village Regional Category designated land uses **only where contiguous** with an existing or planned Village and where all the following criteria are met:*

- *Public facilities and services can support the expansion without a reduction of services to other County residents*
- *The expansion is consistent with community character, the scale, and the orderly and **contiguous** growth of a Village area."* (emphasis added).

Comment-INCONSISTENT: If there was an existing or planned Village in western Valley Center, Accretive could try to use this provision, instead of being prohibited by the Leapfrog Development provisions of LU-1.2. However, the only "existing or planned Village" in Valley Center is the Village in the central valley where north and south nodes are separated by a dramatic escarpment and Moosa and Keyes Creeks. This area has existed as a "Village", has been planned for expansion for more than 50 years and was designated a SANDAG Smart Growth Opportunity area with the recent update of the County General Plan. The area is sewered and has received a large grant from the state of California to expand wastewater facilities. Valley Center Road which traverses this area and connects to Escondido and Pauma Valley was improved to Major Road standards only a few years ago in anticipation of expanded

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development here. The Valley Center Community Planning Group has increased residential densities in this area so that about 25% of the community's growth can be accommodated in the "vibrant, compact Villages" the community has envisioned.

This provision is a clear companion and complement to the other GP goals and policies designed to intensify development in existing Village areas and avoid leapfrog development by permitting new Village uses only where contiguous with an existing Village. The Project cannot satisfy this foundational requirement and fails to meet the additional criteria: Its construction would clearly reduce services to all Valley Center residents outside the development by taking away from the economic viability of the existing two Villages, as well as blocking emergency evacuation ability for current residents. Its urban pattern is totally out of "character and scale" with Valley Center's vision. A new Regional Category Village is simply not authorized if this Land Use policy is to be given effect according to its plain meaning.

LU-2.3 Development Densities and Lot Sizes: *"Assign densities and minimum lot sizes in a manner that is compatible with the character of each unincorporated community."*

Comment-INCONSISTENT: This is another example of the interrelated and internally consistent fabric of the GP. Densities and lot sizes reflect community character. Valley Center's community character is primarily rural, exemplifying the Community Development Model at the heart of the GP. Urban densities and lot sizes proposed by this Project are inconsistent with the Semi-Rural land use designations established by the GP and CP for this area.

LU-2.4 Relationship of Land Uses to Community Character: *"Ensure that the land uses and densities within any Regional Category or Land Use Designation depicted on the Land Use Map reflect the unique issues, character, and development objectives for a Community Plan area, in addition to the General Plan Guiding Principles."*

Comment-INCONSISTENT: Requiring projects to comply with the applicable Community Plan is the most effective way to meet the GP Goal LU-2, to maintain the county's rural character. Valley Center's community character is primarily rural, exemplifying the Community Development Model at the heart of the GP. This Project is inconsistent with the Semi-Rural land use designations established by the GP and CP for this area, as well as all the Guiding Principles.

LU-5.3 Rural Land Preservation: *"Ensure the preservation of existing open space and rural areas (e.g., forested areas, agricultural lands, wildlife habitat and corridors, wetlands, watersheds, and groundwater recharge areas) when permitting development under the Rural and Semi-Rural Land Use Designations."*

Comment-INCONSISTENT: The Project as proposed fails to ensure the preservation of this rural area.. The proposed project destroys open space, agricultural lands, wildlife habitat and corridors, and watersheds with its urbanized design, density, and size. Urban densities and lot sizes proposed by this Project are inconsistent with

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the Semi-Rural land use designations established by the GP and CP for this area.

LU-6.1 - Environmental Sustainability: *"Require the protection of intact or sensitive natural resources in support of the long-term sustainability of the natural environment."*

Comment- INCONSISTENT: There have been thirteen (13) Group 1 animal 'species of concern' observed on the Accretive project site. DEIR Subchapter 2.5-11. They include lizards, snakes, raptors, small mammals, large mammals and passerine birds. Most of the wildlife surveys conducted focused on the proposed open space areas, functionally ignoring the environmental value for foraging and habitat of the considerable land area devoted to agriculture. Of the 608-acres on the Project site, 504-acres will be graded, cut and filled, for the construction of the Project.

The DEIR acknowledges the impacts to these 13 species [and presumably to other species numerous enough not to be of concern], and particularly the significant impacts to the foraging habitat of the raptor species [white-tailed kite, Cooper's hawk, turkey vulture] due to the loss of 504-acres of foraging area [including agricultural areas]. DEIR Subchapter 2.5-18, 34. The DEIR dismisses this loss with 81.7-acres of on- and off-site mitigation area (DEIR Subchapter 2.5-38) [presumably already populated by members of these species with whom the impacted Project species will compete] and a substantial differential from the entire 608-acres actually impacted by the Project. Many of the individuals of the 13 species will be killed during construction operations, particularly the smaller, less mobile animals. Those surviving the construction impacts will be forced into new territory.

The Project is not consistent with this policy and fails to require the protection of sensitive natural resources with the exception of riparian wetlands. Such practices of building urban density projects in rural and even agricultural areas will ultimately decimate the natural environment.

LU-6.4 Sustainable Subdivision Design: *"Require that residential subdivisions be planned to conserve open space and natural resources, protect agricultural operations including grazing, increase fire safety and defensibility, reduce impervious footprints, use sustainable development practices, and when appropriate, provide public amenities. [See applicable community plan for possible relevant policies.]"*

Comment-INCONSISTENT: The Accretive Project instead proposes the minimum required open space, eliminates existing and imperils adjacent agricultural operations, and substantially worsens fire safety and defensibility, as shown by the Deer Springs Fire District comments. Instead of reducing impervious footprints, it proposes 1,746 residential units and commercial development, covering 504 of its 608 acres. Trumpeting "sustainable" development practices, it completely ignores the fundamental requirements of LEED ND to have a Smart Location and preserve Agriculture. The public amenities necessary to support this proposed city in the country, such as parks, schools and sewers, are all couched in "conceptual" terms, with built-in defaults to convert acres to still more additional residences. If, for example, the school or park sites

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(proposed without school and park amenities or facilities) are not accepted, the SP provides for their easy conversion to residential uses.

LU-6.6 Integration of Natural Features Into Project Design: *“Require incorporation of natural features (including mature oaks, indigenous trees, and rock formations) into proposed development and require avoidance of sensitive environmental resources.”*

Comment-INCONSISTENT: Over four million cubic yards of grading destroys natural features and creates “manufactured” hills suitable only for urbanized residential construction. Native vegetation habitats will be destroyed and mitigated off-site. Animal populations will be destroyed or shoved to the remaining riparian set-asides or off-site. Avoidance of sensitive environmental resources is minimal. Destruction of this area’s natural features and mitigation elsewhere are the preferred approaches for this project and are inconsistent with this policy and Valley Center planning objectives.

LU-6.7 Open Space Network: *“Require projects with open space to design contiguous open space areas that protect wildlife habitat and corridors; preserve scenic vistas and areas; and connect with existing or planned recreational opportunities.”*

Comment-INCONSISTENT: This Project has reserved minimal open space along wetlands and riparian areas that are protected by federal, state, and county laws. The continuity of the open space will be broken by multiple road crossings with culverts mostly inadequately sized for safe wildlife passage. Intensely urban development will dominate the presently rural agricultural and natural vistas with rows of dense urban rooftops. The open spaces being set aside are not coordinated with the draft Multiple Species Conservation Program/Pre Approved Mitigation Area (“MSCP/PAMA”) and will not connect with any similar open space uses off-site. While the Project is within the draft MSCP boundary, it is not part of a PAMA.

LU-6.9 Development Conformance with Topography: *“Require development to conform to the natural topography to limit grading; incorporate and not significantly alter the dominant physical characteristics of a site; and to utilize natural drainage and topography in conveying stormwater to the maximum extent possible.”*

Comment-INCONSISTENT: The destruction of natural features proposed by this Project’s over four million cubic yards of grading is clearly inconsistent with this policy. The Project does not limit grading in a manner consistent with this policy. The Project proposes to significantly alter the dominant physical characteristics of the site.

LU-9.6 Town Center Uses: *“Locate commercial, office, civic, and higher-density residential land uses in the Town Centers of Village or Rural Villages at transportation nodes....”*

Comment-INCONSISTENT: As previously pointed out in the comments on the Project’s failure to meet the LEED ND Smart Location Requirement, the Project is not designed as a Transit Corridor or Route with Adequate Transit Service. It is not a “transportation node.”

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LU-9.11 Integration of Natural Features into Villages: *“Require the protection and integration of natural features, such as unique topography or streambeds, into Village projects.”*

Comment-INCONSISTENT: This provision was included in the GP because Valley Center required the developers of the north Village to do exactly that, making the streambed there an open space centerpiece of their design in their cooperative plans for their adjacent projects. Accretive instead proposes to obliterate the natural topography for their entire project site, grading over four million cubic yards of “natural features” into faux hills.

LU-10.2 Development- Environmental Resource Relationship: *“Require development in Semi-Rural and Rural areas to respect and conserve the unique natural features and rural character, and avoid sensitive or intact environmental resources and hazard areas.”*

Comment- INCONSISTENT: This Project does not respect nor significantly conserve the unique natural flora and fauna of the site, nor does it conserve the rural character of the site. This Project will destroy a mosaic of natural vegetation habitats that are interspersed among agricultural uses. The current mix of natural habitats, orchards and row crops provides distinctive opportunities for a variety of faunal species [several of them sensitive], benefits the local hydrology by restraining and filtering run-off, and presents a pastoral viewshed that is historically characteristic of north San Diego County. The Project will create severe hydrology issues with the addition of hundreds of acres of impermeable road and rooftop surfaces that will cause excessive run-off. Run-off that would otherwise enter the water table and help to stabilize levels vital to the riparian habitats downslope, will be impounded and/or dispersed on the surface.

The Project will be composed of dense urban village configurations that are completely at odds with rural and semi-rural areas and the natural habitats and populations they support.

B. Mobility Element

M-12.9 Environmental and Agricultural Resources: *“Site and design specific trail segments to minimize impacts to sensitive environmental resources, ecological system and wildlife linkages and corridors and agricultural lands. Within the MSCP preserves, conform siting and use of trails to County MSCP Plans and MSCP resource management plans.”*

Comment-INCONSISTENT: Presently, the trails proposed for the Project will intrude into the buffer and Limited Building Zone (“LBZ”) areas adjacent to the designated biological open space as well as the open space itself. The fences proposed to separate and protect segments of the open space from the edge effects created by the Project [human intrusions, domesticated cats and dogs, invasive plant species, etc.] will also create barriers to the movement of wildlife. Instead of treating the biological

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open space as retreats and corridors for the movement of wildlife, the trails proposed would become parks for humans and their pets. This will have an adverse effect on the value of the open space for wildlife.

C. Conservation And Open Space Element

GOAL COS-2 Sustainability of the Natural Environment: *"Sustainable ecosystems with long-term viability to maintain natural processes, sensitive lands, and sensitive as well as common species, coupled with sustainable growth and development."*

Comment-INCONSISTENT: The Project will eliminate 504-acres of mixed native and agricultural lands that provide foraging area for numerous animal species identified in the biological resources report. This represents an incremental loss of habitat and ultimately a loss of local wildlife populations within the county and the Project site. The removal of the project site from the inventory of rural lands to create an urban village will constitute an irreversible loss and opposes the intent of sustainable development. It will result in growth inducing pressure on surrounding properties as the rural and natural characteristics of the land disappear.

COS-2.1 Protection, Restoration and Enhancement: *"Protect and enhance natural wildlife habitat outside of preserves as development occurs according to the underlying land use designation. Limit the degradation of regionally important Natural habitats within the Semi-Rural and Rural Lands regional categories, as well as within Village lands where appropriate."*

Comment-INCONSISTENT: This Project proposes to set a devastating precedent for the intrusion of urban development into rural lands. While the Project site is within the MSCP boundary, it is not a part of a PAMA. The site is presently designated for estate housing and agricultural uses but would be modified to allow urban village densities, which would diminish rural and natural lands within the MSCP area and likely induce similar densities on surrounding properties. Such creeping higher densities within the MSCP would ultimately impact the neighboring PAMA areas through edge effects and compromise the value of those native habitats and the intent of the MSCP/PAMA program.

COS- 2.2 Habitat Protection through Site Design: *"Require development to be sited in the least biologically sensitive areas and minimize the loss of natural habitat through site design."*

Comment- INCONSISTENT: Like GP Goal COS 2.2, the prerequisite of the LEED ND standard also is to place development in smart growth locations, such as urban infill and brown fields or adjacent to urban areas where there is easy access to infrastructure and job centers. This Project fails to meet those goals and, consequently, it will cause significant destruction of biological assets in an area that should be spared under the criteria for a smart growth location.

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COS- 3.1 Wetland Protection: *“Require development to preserve existing natural wetland areas and associated transitional riparian and upland buffers and retain opportunities for enhancement.”*

Comment-INCONSISTENT: The project is preserving and restoring the on-site wetlands, habitats that are in shortest supply regionally, but the upland components will be subjected to severe grading, and fuel modification to accommodate the development. Rather than retaining any opportunity for preservation or enhancement, the upland areas will be deprived of any continuing value for both flora and fauna.

COS- 3.2 Minimize Impacts of Development: *“Require development projects to:*

- *Mitigate any unavoidable losses of wetlands, including its habitat functions and values; and*
- *Protect wetlands, including vernal pools, from a variety of discharges and activities, such as dredging or adding fill material, exposure to pollutants such as nutrients, hydromodification, land and vegetation clearing, and the introduction of invasive species.”*

Comment –INCONSISTENT: The Project proposes to mitigate the loss of wetlands caused by new road crossings by restoring or creating wetlands on-site adjacent to existing wetlands. The value of mitigating wetland losses on-site is questionable given the edge effects caused by human intrusion, domestic cats and dogs, invasive plant species, trash, etc. that cause mitigation efforts to be diminished.

The trails plan exacerbates these edge effects by establishing trails within and adjacent to the biological open spaces.

Further, the Project’s storm water run-off from the construction of hundreds of acres of impermeable surfaces will impact the water regime within the biological open spaces. Adding too much or, conversely, removing too much water from the water table can have adverse effects on the survivability of the riparian habitat.

D. Housing Element

H-1.9 Affordable Housing Through General Plan Amendments: *“Require developers to provide an affordable housing component when requesting a General Plan amendment for a large-scale residential project when this is legally permissible.”*

Comment-INCONSISTENT: There appears to be NO discussion anywhere in the SP or DEIR regarding Affordable Housing or Goal H-1 and Policy H-1.9. Perhaps, since there are no firm plans for anything beyond the Phase I -354 homes, the County considers this not to be a “large-scale residential project” Since the overall Project proposes more than 1,746 homes and over 5000 new residents, it appears to be a “large-scale residential project” for which the GP requires an affordable housing component. The DEIR should contain some discussion and analysis of why this provision is not applicable or is otherwise satisfied.

H-2.1 Development That Respects Community Character: *“Require that development in existing residential neighborhoods be well designed so as not to degrade or detract from the character of surrounding development consistent with the Land Use Element. [See applicable community plan for possible relevant policies.]”*

Comment: Requiring projects “not to degrade or detract from the character of surrounding development consistent with the Land Use Element” explicitly ties housing back to the bedrock Land Use Element, the Community Development Model, and the LEED ND Smart Location Requirement. Placing an urban project the size of Del Mar into a rural, predominantly agricultural area designated for Semi-Rural uses, is a significant degradation and detract from the “character of surrounding development.” This Project is inconsistent with the Semi-Rural land use designations established by the GP and CP for this area, as well as all the Guiding Principles.

VIII. VALLEY CENTER COMMUNITY PLAN (“VCCP”) INCONSISTENCIES

A. Community Character Goals

*Preserve and enhance the rural character of Valley Center by “maintaining a pattern of land use consistent with the following regional categories: A. **Village.** Enhance the rural village character of Valley Center’s north and south villages... B. **Semi-Rural Lands:** Preserve and maintain the overall rural and agricultural character of the semi-rural areas....”*

Policy 1 “Require that future projects are consistent with the goals, policies, and recommendations contained in the Valley Center Community Plan.

Policy 2. Maintain the existing rural character of Valley Center in future developments by prohibiting monotonous tract developments. Require Site design that is consistent with rural community character.

(VCCP p. 4)

Comment: The SP and DEIR cannot avoid the clear inconsistency with these provisions by the fiction of merely adopting a new Map showing three Villages instead of two. The rural character of the project site, indeed all of the Planning Area, will be destroyed by placing an urbanized area the size of Del Mar in the middle of an active agricultural area. Destruction of a designated Semi-Rural agricultural area cannot be interpreted as “preservation.” The DEIR must, but does not, explain and analyze the environmental effects of this patent inconsistency.

B. Land Use Goals

“Two economically viable and socially vibrant villages where dense residential uses, as well as commercial and industrial uses, are contained.

“ A pattern of development that conserves Valley Center’s natural beauty and resources, and retains Valley Center’s rural character....”

“ Development that maintains Valley Center’s rural character through appropriate location and suitable site design.”

(VCCP p. 8)

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Comment: The SP and DEIR cannot avoid the clear inconsistency with these provisions which recognize only the two existing Villages, do not contemplate additional villages and are consistent with both the GP and VCCP, the Community Development Model, and the Smart Location requirements of LEED ND. The DEIR must, but does not, explain and analyze the Project's inconsistency with these provisions or environmental effects of these inconsistencies.

C. Village Boundaries Map (VCCP p. 9)

Comment: The SP and DEIR cannot avoid the clear violation of the existing Map, which shows the two existing villages, not three villages. Merely adopting a new Map showing three Villages instead of two fails to address the other resulting conflicts with the numerous identified GP and VCCP provisions. The DEIR must, but does not, explain and analyze the environmental effects of these multiple inconsistencies.

D. Rural Compatibility Policies (VCCP p. 11)

4. *"Require new residential development to adhere to site design standards which are consistent with the character and scale of a rural community. The following elements are particularly important: Roads that follow topography and minimize grading; Built environment integrated into the natural setting and topography; Grading that follows natural contours and does not disturb the natural terrain; Structure design and siting that allows preservation of the site's natural assets; Retention of natural vegetation, agricultural groves, rock outcroppings, riparian habitats and drainage areas."*

5. *"Require new residential development to construct roads that blend into the natural terrain and avoid "urbanizing" improvements such as widening, straightening, flattening and the installation of curbs, gutters and sidewalks. Follow Valley Center's Community Right of Way Development Standards."*

6. *"Buffer residential areas from incompatible activities which create heavy traffic, noise, odors, dust, and unsightly views through the use of landscaping and preservation of open space."*

Comment: Neither the SP nor the DEIR is clear as to which design standards apply. The SP purports to override all county documents and states it prevails over any inconsistent provisions in the GP, VCCP, ordinances or design guidelines. In other places, it states some aspect of the project is consistent with the VC Design Guidelines, implying that they would, nevertheless, be applicable. The many pictures clearly show urbanized design, out of scale and character for a rural community. The massive grading replaces natural hills with manufactured slopes to accommodate urban design, ignoring natural topography for both roads and residences. The request for deviations from road standards is also in direct conflict with these provisions in the VCCP. The DEIR must, but does not, explain and analyze the environmental effects of these inconsistencies.

E. Commercial Goals (VCCP p. 13)

"Commercial uses should be concentrated within the boundaries of these two Village[s]".

Policies:

1. *"Prohibit strip commercial development by containing commercial uses in the Cole Grade and Valley Center Road area and the Mirar de Valle Road and Valley Center Road area.*

9. *The Application of Land Use Designation Semi-Rural 2 and regional category of semi-rural lands are proposed for those properties that are currently zoned commercial and located outside of the Villages."*

Comment: Neither the SP nor the DEIR deals with the fundamental fact that the VCCP establishes commercial uses only in the two existing Villages, and eliminates commercial uses elsewhere, consistent with smart growth principles and the Community Development Model. The Semi-Rural Land Use Designation for the Project Site is required by both the GP and SP to remain so. The DEIR must, but does not, explain and analyze the environmental effects of these inconsistencies.

F. Agricultural Policies (VCCP p. 15)

1. *"Support agricultural uses and activities throughout the CPA, by providing appropriately zoned areas in order to ensure continuation of an important rural lifestyle in Valley Center.*

3. *Prohibit residential development which would have an adverse impact on existing agricultural uses."*

Comment: Neither the SP nor the DEIR address this major focus of both the GP and VCCP to "support" Agriculture, not destroy it. The DEIR must, but does not, explain and analyze the environmental effects of this inconsistency.

G. Mobility Policies (VCCP p. 52-53)

2. *"Road design shall reflect the rural character and needs unique the Planning Area. For example, turn radii shall be such that agricultural vehicles and equestrian rigs can be safely accommodated."*

4. *"Road alignment shall minimize the necessity of altering the landscape by following as much as possible the contours of the existing, natural topography without sacrificing safety or sight distance criteria."*

5. *"Required roadside and median landscaping shall reflect standards as outlined in the Valley Center Design Guidelines."*

12: *"Where a clear circulation need that benefits the overall community can be demonstrated, public roads consistent with Department of Public Works policy shall be dedicated and constructed. Where appropriate, future subdivisions shall be required to access public roads via at least two separate access points."*

Comment: As noted above, neither the SP nor the DEIR is clear as to which design standards apply. There appears to have been no consideration of : (1) whether this Project can provide two separate LEGAL access points to public roads; or (2) whether public roads within the project would provide a clear circulation need that benefits the entire community . The massive grading proposed appears to violate the requirement to minimize altering the landscape and follow existing natural topography. The DEIR must, but does not, explain and analyze the environmental effects of these inconsistencies.

H. Fire Protection Policies (VCCP p.54)

1. *"All new development utilizing imported water shall provide infrastructure for fire suppression (such as pipes and hydrants) in accordance with the prevailing standards."*

Comment: The continued objections of the Deer Springs Fire District to this Project undermine conclusions regarding compliance with this policy. The DEIR must, but does not, explain and analyze the environmental effects of this inconsistency particularly when viewed in conjunction with objections from the Fire District.

I. Education Policies (School Facilities) (VCCP p. 54)

1. *"Coordinate school facility planning with residential development to ensure that school facilities will be available to accommodate the increase in enrollment without overcrowding."*

Comment: No school district has accepted the possible additional students generated by the Project. The residential construction will precede, not be coincident with, school construction. The potential school site will be converted into additional residences if not accepted by a school district. The DEIR must, but does not, explain and analyze the environmental effects of these inconsistencies.

J. Open Space Policies (VCCP p. 62)

3. *"Incorporate publicly and semi-publicly owned land into a functional recreation/open space system wherever feasible."*

5. *"Design new residential development in a way that preserves an atmosphere of openness and access to surrounding open space."*

Comment: The SP only tentatively designates a 12-acre public park site. The Project minimally meets the Park Lands Dedication Ordinance requirement of 3-acres per 1,000 population requirement, falling woefully short of the 10-acres per 1,000 GP goal for parks. At least 350 homes will be constructed and occupied before any parks, public or private are available. The SP makes no provision for construction of park amenities, just dedication of raw land. Overall Project site planning appears to destroy any existing connectivity for animal migration, instead of creating or maintaining a functional open space system. The Project design creates an isolated urbanized compound totally unrelated to its surroundings. This will be a closed community of urban sprawl, not one with "openness and access to surrounding open space." The DEIR must, but does not, explain and analyze the environmental effects of these inconsistencies.

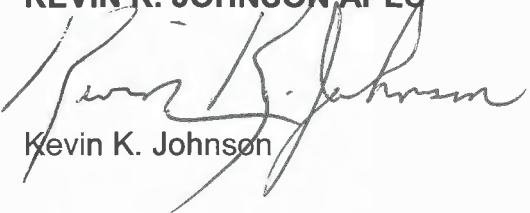
IX. CONCLUSION

The Accretive Lilac Hills DEIR fails to meaningfully analyze an unprecedented number of project inconsistencies with the County General Plan and the Valley Center Community Plan. The SP and DEIR fail to substantiate the limited GP consistency discussion with facts and evidence and fail to justify exemption from the clear prohibitions against Leapfrog development exemplified by this project. These

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informational shortcomings deprive the public and the decisionmakers of essential information required by CEQA. Under the circumstances, the DEIR must be rewritten and recirculated for public review and comment.

Very truly yours,
KEVIN K. JOHNSON APLO



Kevin K. Johnson

cc: Claudia Anzures, Esq. (via email)
Mark Mead, Esq. (via email)

Attachments:

Exhibit 1: Letter from Valley Center Community Planning Group("VCCPG") dated March 11, 2013 to Mark Slovick, Project Manager re: Lilac Hills Ranch Specific Plan and Related Documents with Appended Letter from VCCPG dated October 22, 2012

Exhibit 2: Letter from Valley Center Design Review Board dated February 25, 2013 to Mark Slovick et.al re: Accretive Investment Group's 2nd revised submission (02-13-13) with attached comments from October 15, 2012 and June 14, 2012

Exhibit 3: Excerpts from LEED 2009 for Neighborhood Development Created by the Congress for New Urbanism, Natural Resources Defense Council and U.S. Green Building Council (Updated October 2012)

Exhibit 4: June 13, 2012, County of San Diego Planning and Development Services Project Issue Checklist for Lilac Hills Ranch Master Planned Community – Project Number(s) 3800 12-001(GPA), 3810 12-001 (SP), 3600 12-003 (REZ), 3100 5571 (TM), 3100 5572 (TM), 3300 12-005 (MUP), 3500 12-017 (STP), 3500 12-018 (STP)

EXHIBIT 1

DEIR Public Comment Letter dated August 13, 2013 from Kevin K. Johnson APLC re:
Proposed Accretive Lilac Hills Ranch General Plan Amendment and Specific Plan
PDS2012-3800-12-001(GPA),PDS2012-3810-12-001 (SP)-**General Plan and
Community Plan Inconsistencies**

March 11, 2013

To: Mark Slovick, Project Manager, Lilac Hills Ranch Project

From: Valley Center Community Planning Group

Re: Lilac Hills Ranch Specific Plan and Related Documents,
GPA 12-001; SPA 12-001

On 11 February 2013, the San Diego County Department of Planning and Development Services [the County] electronically distributed the third draft of the Lilac Hills Ranch [the Project] Specific Plan and tentative maps, submitted to them by Accretive Investments [the Applicant], to the Valley Center Community Planning Group [VCCPG]. Printed hardcopies of the documents were received in the mail about a week later.

Notably, the released documents do *not* include the proposed general plan amendment text, the collection of technical reports that support the specific plan assertions, or a letter from the applicant that responds to the Project Issue Checklist. The Project Issue Checklist contains approximately 1000 major and minor issues with the Project, raised by the County, Bonsall Sponsor Group and VCCPG in response to the Applicant's second draft specific plan, submitted on 25 September 2012. The Applicant was to have submitted the Project Issue Checklist letter by 31 January 2013 as required in the County's response to the second draft specific plan dated 10 December 2012. However, the Applicant was granted an extension of 60-days to submit the letter. At about the same time the extension was granted, the County released the third draft of the Project's specific plan for public review.

The Project Issue Checklist letter required by the County is crucial to the effective review of all aspects of the Project. Without the letter, it is impossible to know what remedies, if any, the Applicant proposes to resolve those identified issues. The issues listed for the first and second drafts of the specific plan have largely remained unaddressed in the present third draft. The Applicant's third draft has particularly failed to address the major issues relating to building a project of such large urban scope in a rural, agricultural area removed from the infrastructure needed to sustain it. This Project is at odds with the San Diego County General Plan, adopted in August 2011, and the Valley Center Community Plan and Bonsall Community Plan, which are integral to the General Plan. The responses to the Project Issue Checklist will determine, in great measure, how the applicant intends to reconcile, or not, the Community Plans of Valley Center and Bonsall and the County's General Plan with their Project's specific plan. Presently, the Lilac Hills Ranch Specific Plan is diametrically opposite of the intended outcome of the General and Community Plans.

Not surprisingly, the third draft of the specific plan continues to be vague about many important details and avoids specifying the details of the Project at the level required by state law. At the stage of the third draft, one expects that issues raised over six months ago would be addressed or explained in the context of the General Plan and Community Plans.

However, we are aware that in order to remain effectively engaged in the review of this Project, we must respond to the recently released third draft specific plan.

Based on the materials received to date, *the Valley Center Community Planning Group continues to be strongly opposed to this Project's approval or construction.* Because so much of what is presented in this third draft of the specific plan is essentially the same as the previous two drafts, we will reiterate our major concerns followed by specific concerns raised by the third draft. You should reference our previously submitted comments on specific plan drafts one and two along with our present comments, since nearly all still apply. We reserve the right to make further comments and to revise previous comments as more detailed documentation is released to the community in the future. This letter, and letters dated 11 June 2012, 9 July 2012, and 22 October 2012 [attached] should not be construed as our "one bite of the apple."

Major Concerns

1. *The Project is too large and too dense for Valley Center and it is improperly located*– Placing 1,746 homes and 5,000 people on 608 acres with densities as high as 20+ dwelling units per acre is simply incompatible with the rural location in which the Project has been sited.

2. *Roads and Traffic*– The nature of the roads that must carry traffic generated by Lilac Hills Ranch is one of the most fraught and difficult topics associated with this project. The area has been able to move cars across winding, two lane roads that pass through hilly landscape only because of its present lack of density. With the addition of 1,746 homes, the roads will, without extensive new road construction plus considerable widening and straightening of existing roads, will be greatly challenged to handle, safely and efficiently, the additional five thousand individuals who will populate the development. The County's very limited road construction budget is already over-taxed, and unlikely to provide for the huge influx of automobiles created by Lilac Hills Ranch. Questions of the cost of off-site road construction, evacuation needs and acquisition of rights-of-way over existing private roads by the Applicant, are also extremely serious.

3. *Compliance with the General Plan*– The Lilac Hills Ranch Specific Plan threatens to overturn virtually every element in the County's new General Plan adopted in 2011 after 12 years of discussion and community involvement, millions of dollars in government expenditures and countless hours of effort on the part of local citizens. If the Lilac Hills Ranch Project is allowed to proceed,

one has to question if there is any development that would be rejected because it violated the General Plan. Exactly what destruction of local communities does the General Plan prevent?

4. *Services and Infrastructure-Water, Schools, Fire, Waste Treatment*—Infrastructure is expensive. Putting in new roads, adding additional lanes to a bridge, building a fire station, putting up a new school, installing sewer and waste treatment plants and building trails all cost large amounts of money. A principal reason why the General Plan Update strongly favors “compact, town center developments” while stating that it intends to limit “growth in areas without adequate roads, water and sewer service” is because of the demands on the public purse for building these infrastructure items over and over.

Lilac Hills Ranch is seeking to build a city the size of Del Mar that will require an almost entirely new infrastructure—new roads, schools, sewer systems and a broad range of other infrastructure items. That a private development could or would build this expansively strains credulity. The Valley Center Community Planning Group doubts the viability of this approach.

5. *LEED/Sustainable and Walkable Community*— It is necessary for the Lilac Hills Ranch project to argue that they are potentially able to qualify for LEED ND certification, or its equivalent, in order to avoid the General Plan prohibition on Leapfrog Development. The project, placed as it is, miles from the heart of Valley Center, violates Guiding Principle 2 and General Plan Policy L-1, which define and govern Leapfrog Development, not to mention one of the fundamental precepts of LEED ND, which is to avoid green field development. Leapfrog Development is defined as Village densities located away from established Villages or outside established water and service boundaries. Lilac Ranch Hills *is* leapfrog development and it cannot qualify as a LEED community under any reasonable understanding of the standards.

6. *Agriculture*— The General Plan Update has set aside the area where Lilac Hills Ranch would be built as a place for agriculture and other rural and semi rural uses. In contrast to the claims made by the Project proponents, the area is not characterized by *historical* agricultural activity. It is a present-day agricultural area. Avocado, citrus, cactus commercial nurseries and other farm operations are located in and around the project areas. These agricultural uses attract insect and fungal infestations, which mean that aerial spraying is often necessary. Spraying could pose a danger to individuals living in the area. On the other hand, prohibiting spraying would make farming nearly impossible. Building Lilac Hills Ranch in the area for which it is currently planned would greatly damage many productive, beautiful and successful agricultural operations.

7. *Twists of meaning and lack of clarity in the plan*— One of the most difficult aspects of the Lilac Hills Ranch Specific Plan is the extent to which it makes

misleading claims. They would have us believe that they are building a LEED ND or equivalent development even though Lilac Hills Ranch violates virtually all LEED standards, that adding 5,000 residents to a rural area actually improves traffic over narrow winding back roads, that grading and moving 4.4 million cubic yards of earth (enough to build a path 4 feet wide around the equator of Earth) preserves natural resources and habitat for animals.

Elaboration of these major concerns is available in the comments submitted by the VCCPG on 22 October 2012 [attached below].

Other New Concerns

General Plan Conformance

The Lilac Hills Specific Plan takes care, in several sections, to address the General Plan and Valley Center Community Plan. Yet the Lilac Hills Ranch Specific Plan fails to adequately acknowledge the fact that both of these thoughtfully constructed governing documents intend a completely different set of uses for the Lilac Triangle of west Valley Center, and fails to provide justification for the dramatic changes it proposes. The area was zoned for and intended to accommodate agricultural activities and large-acreage residential uses. The proposed Lilac Hills Ranch project is clearly incompatible with these intended uses. Both the General and Valley Center Community Plans designate other areas for land-uses such as Lilac Hills Ranch project proposes. If one were to propose and construct a residential project of this magnitude that would be useful to society in general and this region in particular, they would apply their efforts to the central village area of Valley Center. The current project, as proposed, is a cynical endeavor.

On January 24, 2013 San Diego City Mayor Bob Filner, in discussing a large development called One Paseo that would add dense commercial and residential use to Carmel Valley said, "Look, the community plan was a contract as far as I could see."

The parcel on which One Paseo would be constructed is zoned for 500,000 square feet of office space. The project initially intended to construct 2.1 million square feet of development, but the project has since been scaled down to 1.4 million square feet. "I don't understand how anybody who said they respected the community starts off with four times what the community plan says," Filner said at a public hearing, "I don't understand how you start with that." "After all," the mayor said, "the community plan can be considered a contract and should not be violated without substantial reason. ... They are agreements with the community on the way we ought to develop," he said. "People spend a lot of time going into making that a shared vision and it's a shared vision that ***only with the consent of both sides***, do you modify." (emphasis added)

Those who read about the Lilac Hills Ranch Plan iteration after iteration well may have some of the same questions that Mayor Filner raises. The Applicant plans to locate up to 2.9 units per acre on land that currently allows, under the new County General Plan, 1 dwelling unit per four acres (for 400 of the acres) or 1 dwelling per 10 acres (for 132 of the acres). Thus the land on which the Applicant wishes to build 1,746 homes is reserved in the General Plan for **much** lower density. The Applicant would increase the density not four times over what the General Plan permits (as in the One Paseo project) but more than 13 times the present allowable density. If four times the density may indicate a lack of respect for the community, 13 times the allowable density certainly indicates callous disregard for community character and community concerns.

Consider the 10 guiding principles that the San Diego County General Plan outlines for development:

1. Support a reasonable share of projected regional population growth.
2. Promote health and sustainability by locating new growth near existing and planned infrastructure, services, and jobs in a compact pattern of development.
3. Reinforce the vitality, local economy, and individual character of existing communities when planning new housing, employment, and recreational opportunities.
4. Promote environmental stewardship that protects the range of natural resources and habitats that uniquely define the County's character and ecological importance.
5. Ensure that development accounts for physical constraints and the natural hazards of the land.
6. Provide and support a multi-modal transportation network that enhances connectivity and supports community development patterns and, when appropriate, plan for development which supports public transportation.
7. Maintain environmentally sustainable communities and reduce greenhouse gas emissions that contribute to climate change.
8. Preserve agriculture as an integral component of the region's economy, character, and open space network.
9. Minimize public costs of infrastructure and services and correlate their timing with new development.
10. Recognize community and stakeholder interests while striving for consensus.

Can anyone who has read the Lilac Hills Ranch Specific Plan submission believe that it does not violate at least 8 or 9 of them? It requires the development of new roads, a new sewer system, and new water sources—all of them described vaguely and many of them resources to which the applicant does not have clear title or a well developed plan for acquiring. It moves over 4 million cubic yards of earth by grading and by blasting. It is far from the heart of Valley Center where denser development is being accommodated.

Relationship to General Plan

The specific plan cites the General Plan Amendment Report and Appendix A to justify the project within the context of the County's General Plan and the included Valley Center and Bonsall Community Plans. Neither the General Plan Amendment Report, nor Appendix A, is part of the submissions from the Applicant at this point, making comment impossible.

Given the absence of the General Plan Amendment Report and Appendix A, we are led to assume that sufficient justification and consistency with the County's General Plan does not yet exist and, therefore, cannot be made public and a part of this review. Consistency with the recently adopted General Plan is a fundamental first step in proposing a development of this magnitude...a step that this project continues to stumble over.

The degree of change proposed by this project will grossly change the character of the existing rural, agricultural area.

Specific Plan Goals

The Applicant suggests that their Project will "augment" the several other large-scale projects along I-15 between Escondido and Fallbrook. A thoughtful analysis of the referenced projects will show that the only other project that compares with this Project is Lake Rancho Viejo at Hwy. 76. The other projects were approved under a less demanding older General Plan and the two largest projects, Circle R Ranch and Lawrence Welk Resort, are actually clustered developments with an associated open space component of about 40% of the total acreage, unlike this Project which is currently expressing only a 16% open space component.

That being said, a guiding principal of the current General Plan [principle #2] is to permit high-density development within or next to already developed property so that the infrastructure requirements can be more easily met. The goal is not to spread dense development to outlying rural areas where infrastructure must be extended and expanded to meet those needs, as is the case with this Project.

Another new wrinkle in the current specific plan is the Applicant's desire to allow homes proposed for construction within the Project, instead, to be used, possibly, for a time-share resort. This 'possibility' confounds the stated description of the Project as a residential community and wanders even farther from the definition of "specific" in the term 'specific plan.'

Sustainable Community Goals/Policies

In this iteration of the specific plan the Applicant has chosen to diminish their commitment to sustainability by making some of their once earnest goals and features decidedly optional. The recycling facility will be built "if feasible." The use of existing Green Building standards adopted by the County will be implemented but builders will be required only to offer homeowners the "option" of installing energy efficient fixtures and appliances. And, they have abandoned completely

their commitment to implementing structural systems that achieve high performance thermal efficiency. These sagging goals seem disingenuous.

Land Use Plan

The Land Use Plan shows some considerable changes based on the shifting acreages among the different types of land uses in the Project. However, the phase descriptions continue to be very conceptual rather than specific. The question continues to be: at what point will the specific plan become specific rather than merely suggestive, contingent or conceptual? There continues to be only one Tentative Implementing Map for phase one with the others for phases 2-5 not scheduled to appear for some length of time after approval of the project. This is rather like buying a pig in a poke.

County Land Use Regulations

The applicant has not justified their proposed general plan amendment to amend the Regional Land Use Element Map changing the Regional Category Designation of their property from Semi-Rural to Village and Commercial designations. To build what the applicant proposes, it is necessary for the designation to change, but they have offered no justification for the change. Such changes to the County's General Plan as well as the Valley Center Community Plan and the Bonsall Community Plan should be justified. The point of such plans is to guide development in a direction that is consistent with the community's desires and commitments to the County for growth.

Distribution of Land Uses

Table 1 – Land Use Summary inaccurately shows a total of 608 net acres, however, addition of the line items in the table totals 611.3 net acres. This should be clarified and corrected.

Table 1 shows that proposed public parkland in the Project decreased from 21 acres in a few parks to 12 acres in a single park since the previous iteration of the specific plan. And, private parkland increased from 4.4 to 11.8 acres in 14 small pocket parks. The county standard for parkland is 15 acres per thousand population for local parks. It seems the numbers are moving in the wrong direction. Further, larger parks would serve the Project better than the multitude of pocket parks described.

Parcel Size Distribution in the Vicinity of Lilac Hills Ranch

The applicant's 1-mile analysis [fig. 6] seems to want to justify high density for the Project by citing that 18% of lots are less than 2-acres. These smaller lots are not recently created, they are the residue of earlier, less carefully considered general plans. The requirements have changed. And, by deduction, 82% of present lots within the 1-mile radius [wherever it is centered] are two acres or larger and consistent with the General Plan. In fact, 46% of lots in the 'radius' are greater than 4-acres. A few moments of reflection would lead to the understanding that the applicant's representation of the parcel size distribution

can be misleading. Having a greater number of smaller lots within an area does not mean that the majority of the acreage is in smaller lots. In fact, the majority of the acreage within the radius is in larger lots. The analysis should be looking at the acreage within categories of lot size rather than the number of lots of a particular size.

The 5-mile radius analysis [fig. 5] is equally skewed since it attempts to include Circle R Ranch development and Lawrence Welk Resort as high-density developments. Both of those developments are clustered developments and include a minimum of 40% open space, a fact conveniently sidestepped in the analysis. The mobile home park at Lawrence Welk was permitted under an older general plan that has since been superseded.

It should be remembered that the recently adopted general plan and the associated community plans are the defining factor in describing the desired plan for the community rather than the parcel size analysis of the Applicant.

Development Approvals Needed

Apart from the need to amend the General Plan, and the Valley Center and Bonsall Community Plans, the Applicant is asking for approval of a site plan for "V" and "D" special area regulations. Setback designator "V" allows for very close urban spacing of buildings, spacing that is grossly inconsistent with the General Plan and, consequently, the Valley Center Community Plan.

Special Area Regulator 'D' has several Site-Plan criteria that this project fails to adequately address:

"a. Building Characteristics. The dimensions, color, architectural design of the proposed buildings and structures shall be compatible and in keeping with those existing in the designated area."

The proposed project intends to inject a sweepingly new architectural treatment to the designated area. The types, dimensions, densities and architectural design being proposed are not consistent with the Lilac Triangle.

"b. Building and Structure Placement. The placement of buildings and structures shall not detract from the visual setting or obstruct significant views."

The density and heights of proposed buildings and other architectural features will dramatically and adversely impact the present rural, natural and agricultural setting of the area. This impact cannot be mitigated under the provisions set forth in this specific plan and will deprive existing residents of their expectation of a rural, natural life style and environment.

“c. Landscaping. The removal of native vegetation shall be minimized and the replacement vegetation and landscaping shall be compatible with the vegetation of the designated area and shall harmonize with the natural landscaping. Landscaping and plantings shall be used to the maximum extent practicable to screen those features listed in subsections “d” and “e” of this section and shall not obstruct significant views, either when installed or when they reach mature growth.”

The project proposes to excavate and fill over 4 million cubic yards of earth in pursuit of building sites and common areas on a total of 582.2 acres. Nearly all of the native and agricultural vegetation will be removed and existing agricultural areas will be severely diminished and completely altered as a result. The proposed plan will leave narrow strips, of so-called, biological open space that will be of little or no use to wildlife once other fuel modification requirements are met.

“d. Roads, Pedestrian Walkways, Parking and Storage Areas. Any development involving more than one building or structure shall provide common access roads and pedestrian walkways. Parking and outside storage areas shall be screened from view, to the maximum extent feasible, by existing topography, by the placement of buildings and structures, or by landscaping and plantings.”

The roadways proposed do not provide adequate ingress and egress for the proposed housing and commercial areas. The applicant has failed to provide substantive documentation of legal rights to develop adequate access routes for evacuation requirements. Further, the trail network proposed appears to depend on access along Covey Lane, a private easement for which the applicant has demonstrated no legal right.

“e. Grading. The alteration of the natural topography of the site shall be minimized and shall avoid detrimental effects to the visual setting of the designated area and the existing natural drainage system. Alterations of the natural topography shall be screened from view by landscaping and plantings which harmonize with the natural landscape of the designated area, except when such alterations add variety to or otherwise enhance the visual setting of the designated area.”

As noted earlier, the project proposes to move nearly four and a half million cubic yards of earth on the 608-acre site, with blasting required for about 20% of that total. Obviously, this will not result in minimal alteration and it will detrimentally affect, in the most gross way the visual setting of this rural, agricultural area.

“f. Signs. The number, size, location, and design of all signs shall not detract from the visual setting of the designated area or obstruct

significant views. Subsequent to the site plan review and approval, any alteration to signs other than general maintenance shall be subject to a new Site Plan or an Administrative Permit.”

The only reference to signage found concerns the monuments at the entrances to the Project. The monuments description in the specific plan is more nearly marketing language than specific details about construction design and materials. A conceptual design is provided, but it is merely suggestive and provides no assurance that it is consistent with the Valley Center Design Guidelines. Clearly, the specific plan should defer to the existing Valley Center Design Guidelines, and those guidelines should be acknowledged in this plan to direct the implementation of signage for the project as a whole, but especially for the commercial areas within the project.

“g. Lighting. The interior and exterior lighting of the buildings and structures and the lighting of signs, roads and parking areas shall be compatible with the lighting employed in the designated area.”

Since the designated area is presently rural and agricultural and subject to the Valley Center Design Guidelines, the Project and its specific plan should recognize those guidelines as the authority for all lighting implementation. Generally, little lighting is used in this area presently, so any change will be a significant departure from what exists and will severely challenge the present conditions.

The specific plan is ambiguous about the need for a recycled water storage tank. This tank may, or may not, be part of a major use permit required for the Water Reclamation Facility. More details and specificity would be helpful.

Another approval needed by the Applicant is for the vacation of two existing biological open space easements totaling 3.64 acres. These two easements were at one time considered important set-asides for maintaining regional biological resources, resources that cannot be turned on and off and still retain significance. The Applicant will be setting aside over 102 acres of open space for the same purpose. It would seem prudent and reasonable to include the two existing easements in addition to the proposed easements for this Project.

Development Standards and Regulations/Design Concept

The Applicant’s specific plan suggests that the Project will help support the area’s reasonable share of projected population growth. However, that is a specious assertion given that Valley Center’s reasonable share of growth is 905 dwelling units [only 755 more than the existing General Plan provides] and more than that number have been accounted for in the plans for the north and south villages. There is no apparent need for the 1746 units being proposed by the

Applicant, especially as they are proposed for an area remote from community infrastructure.

Senior Citizen Neighborhood

Although not apparent to the Applicant, the designation of 468 dwelling units for an age-restricted Senior Citizen Neighborhood with a 200-bed assisted living facility could present a significant problem for prospective residents of those units who may need emergency health care. Presently, emergency services cannot respond to the Project within the guidelines required for such service. In addition, the nearest hospital is about 17 miles distant. To have a neighborhood facility for such a potentially fragile population without emergency medical services close at hand may prove problematic.

Another issue is the contention by the Applicant that the addition of kitchens to the 200 individual units in the Group Residential/Care Facility at the time of construction would not impact the total number of other dwelling units [1746 dwelling units]. It seems the definition of 'dwelling unit' has shifted in this case. Under current zoning regulations, this defines an apartment. This is an increase in density of 200 units from the 1746 DU request to a total of 1946 DU's. So, although not counted in the total dwelling units for the Project, they do add, effectively, 200 dwelling units that would seem to drive the overall density up to about 3.2 du/ac from 2.9 du/ac. That proposed increase in density results in an increase in Average Daily Trip traffic generation for the proposed Project. Even without the kitchens, these units are a density deception.

Town Center/Neighborhood Centers

The bed and breakfast of earlier specific plans has become a substantially sized, 50-bed Country Inn. Commercial square footage has been increased from 75,000 sq. ft. to 90,000 sq. ft. (see II-10 Table 3: 61,500 sq. ft.— Specialty Commercial; 28,500 Office). Rather than scaling back the Project for rural compatibility as the VCCPG has suggested in previous comments, the current specific plan is expanding and extending commercial and office areas. The language used to describe these 'centers' continues to be vague and loose and non-specific.

On-site Water Reclamation Facility

There continues to be ambiguity concerning the water reclamation facility being proposed. The specific plan states that Valley Center Municipal Water District will direct trucking of wastewater to an off-site treatment facility for the initial development [presumably phase one], and that wastewater from up to 100 dwelling units may be trucked off-site. However, phase one consists of 350 units, which may necessitate additional trucking of wastewater over narrow twisting roads.

The Project will not build a wastewater treatment plant during the initial phase of development, but, it is not clear from the specific plan when the facility is to be

built. The current version of the specific plan has reverted to an earlier proposal of collecting and trucking the effluent to an off-site facility for treatment, making it unavailable for irrigation. This procedure will add numerous daily trips to and from the Project, trips that could go on for a lengthy but undetermined period. The last proposal was to construct a temporary 26,000-foot [5 miles] four –inch force main sewer line where effluent would be pumped from a temporary pumping station. While the current specific plan mentions treating the trucked effluent, it does not mention if the reclaimed water would be transported back to the Project, which would double the daily trips to and from the Project.

The specific plan has not defined the proposed Project’s wastewater management system beyond a platitudinous discussion of top-level options. But, it does appear that a wastewater reclamation plant for recycling of wastewater is proposed on-site to the Project. There is no discussion whatsoever on sewage treatment, leaving an informed reader asking two fundamental questions:

1. If the on-site wastewater plant is only engaged in water recycling, to which Title 22 level of standard and intended usage is the Applicant proposing (see table below)? Describe the on-site treatment processes to be employed.

Table D-1 summarizes the water quality criteria for the four types of recycled water as defined by the Title 22 Code of Regulations. These water types are: disinfected tertiary; disinfected secondary 2.2; disinfected secondary 23; and un-disinfected secondary. Table D-2 summarizes the minimal allowable non-potable uses for each recycled water type. All information contained in this appendix is adapted from, “California Department of Public Health – Regulations Related to Recycled Water January 2009.”

Table D-1. Water Quality Standards for Various Water Recycling Sites		
Water Type ¹²	Parameter	Quality Criteria ⁴⁵
Disinfected Tertiary ^{3,6} (recycled water that has been oxidized, filtered and disinfected)	Total Coliform	<ul style="list-style-type: none"> • Median concentration must not exceed 2.2 MPN/100 mL using the last 7 days analyses were completed • Must not exceed 23 MPN/100 mL in more than one sample in any 30 day period • Must not exceed 240 MPN/100 mL at any time
	Turbidity for Filtration Using Natural Undisturbed Soils or a Filter Bed	<ul style="list-style-type: none"> • Must not exceed average turbidity of 2 NTU within a 24-hour period • Must not exceed 5 NTU more than 5 percent of the time within a 24-hour period • Must not exceed 10 NTU at any time
	Turbidity for Filtration Using Microfiltration, Ultrafiltration, Nanofiltration or Reverse Osmosis	<ul style="list-style-type: none"> • Must not exceed 0.2 NTU more than 5 percent of the time within a 24-hour period • Must not exceed 0.5 NTU at any time
Disinfected Secondary – 2.2 (recycled water that has been oxidized and disinfected)	Total Coliform	<ul style="list-style-type: none"> • Median concentration must not exceed 2.2 MPN/100 mL using the last 7 days analyses were completed • Must not exceed 23 MPN/100 mL in more than one sample in any 30 day period
Disinfected Secondary – 23 (recycled water that has been oxidized and disinfected)	Total Coliform	<ul style="list-style-type: none"> • Median concentration must not exceed 23 MPN/100 mL using the last 7 days analyses were completed • Must not exceed 240 MPN/100 mL in more than one sample in any 30 day period
Un-disinfected Secondary (recycled water that has been oxidized but not disinfected)	---	---

2. In what location will sewage treatment occur with a process description of the level of treatment and methodology for disposal of residual solids including long-term agreements if other agencies are involved in solid waste handling?

Residential Component

In the first two drafts of the specific plan, the Applicant claimed an overall density of 2.9 du/ac, which is apparently the smallest applicable category the County recognizes for overall density [the calculation is 1746 du divided by 608 acres]. But, that density has been revised in the third draft, and reported to be an overall density of 2.36 du/ac [the result of dividing 1371 dwelling units on 582.2 acres]. However, that density yield seems specious. The 582.2 acres used in that calculation include open spaces, roads, parks and schools, areas that do not play much of a role in the perception of density. Oddly, the 582.2 acres does not include the areas with the C-34 designation or the 375 du that are a part of it.

Looking at the 375 dwelling units in the Project that occupy 23.8 acres in the C-34 zoned areas, reveals urban densities in excess of 13 du/ac and, of that total, nearly 8 ac would have an urban density in excess of 20 du/ac.

And those densities exclude the 200-bed assisted living facility that questionably doesn't factor into the number of dwelling units.

As we noted in earlier comments, densities of this magnitude [13.8 du/ac and 20.75 du/ac and even the overall density of 2.9 du/ac] are more comparable to large urban centers than the rural, agricultural areas that surround the Project property.

Services and Infrastructure (Water, Schools)

The Applicant asserts that it is "looking at" four sources of water to meet the Projects needs in addition to Valley Center Municipal Water District [VCMWD] water, including "ground water, rain water harvesting, grey water and reclaimed water." Apart from the existing water wells on-site for ground water, which will be subject to VCMWD guidelines that are unexplained, the Applicant is vague about the other sources and specifically how they will be employed. The Applicant says cisterns and roof collection systems are "allowed" on single-family dwellings, but does not commit to employing them. Grey water systems are an "allowed use", but there is no commitment to employ them. And, the Applicant suggests the possibility of obtaining additional treated water from the Moosa Treatment Plant, although the plant does not have tertiary treatment capability and does not produce recycled water. This is all too fuzzy for a specific plan.

The issue of which school districts will be serving the proposed Project continues to be unresolved. The latest specific plan proposes a twelve-acre site for a K-12 school, but there is no Project Availability Form from Valley Center-Pauma Unified School District, or Bonsall Union School District agreeing to manage the school. Further, the Applicant has excluded the Fallbrook Union High School District from their current specific plan even though the Project is still partially within that district and potentially will be served by that district. The issues of school location and school district choice matter because it fundamentally affects the project's required traffic study. Are students to go to school in Valley Center and be bussed or driven over that set of highly impacted roads or are they to go to school in Bonsall or Fallbrook and be transported that way? Where traffic will be directed affects where roads will be impacted and need improvement.

Since neither Bonsall nor Valley Center has indicated a willingness to manage an additional school, the Applicant now suggests that "a private school may desire to acquire the site for a 'charter' school." It is further suggested that if neither a public nor private entity is interested in establishing a school, the project may just place housing on the site currently reserved for the school. How, then, are the community or other decision makers to know which roads will be impacted and by how many children (will we need to consider K-12 or just high school students) or how to evaluate the data provided in the traffic study?

Open Space/Conservation Policies

The Project's conservation goal of sparing the most sensitive habitats on the property presents itself well on first hearing. However, as laudable as saving sensitive habitat is [and it is required], the Project will be excavating and mounding the remainder of the Project site [that's about 1.5 cubic yards of earth moved for every square yard of the Project property]. Further, the Applicant has abandoned the notion of developing any off-site mitigation of sensitive habitat within close proximity of the MSCP PAMA. So, restoration of habitat could occur almost anywhere else but the Project site or its immediate neighborhood. This prospect is dismaying in that the destruction of habitat in Valley Center may lead to restoration of habitat elsewhere in the county without benefit to Valley Center.

Circulation Goals & Policies/Street System

The circulation goals/policies have changed little from the previous version of the specific plan, except in one respect. There is apparently no further interest in integrating private road development in the Lilac Hills Ranch Specific Plan with existing land uses in the surrounding areas and the regional transportation network. This appears to mean that the circulation system in the Project will be effectively closed except for the "Main St." bypass to West Lilac Road. This has implications for the Special Area Regulation "D" designation site plan considerations.

Both figures 14 [Specific Plan Map] and 24 [Project Internal Circulation Map] show what is available of the internal road system, but continue to fail to show

residential private roads in any of the residential phases. The maps are unclear about the connection of the two halves of the Lilac Hills Ranch Road in the vicinity of Covey Lane. The maps also show a residential private road arrow traversing over property outside the Project boundary with no explanation of right of way.

West Lilac Road forms much of the northern border of the Project and is a county mobility element road. The current specific plan changes the West Lilac Road Mobility Element Classification from a 2.2C light collector to a 2.2F light collector. It is unacceptable to make that change to accommodate the aims of the Applicant to divert traffic through their commercial center along 'Main St.' without regard to the existing community. The 2.2C light collector classification provides better traffic flow and greater traffic capacity because it includes dedicated turn lanes. These are essential characteristics for a mobility element roadway. The 2.2F light collector classification has a reduced two-foot shoulder, a rolled curb with graded pathway and a narrow right of way. Figure 25 of the specific plan shows a street section for the proposed change to West Lilac Road with an 8-foot minimum meandering pathway alongside. However, the standard should be a 10-foot minimum pathway.

The same concerns generated by earlier versions of the specific plan regarding roads that are graded to the natural contours with minimal disturbance to the natural terrain continue in this version. The lack of rural compatibility and sensibility in this specific plan extends to the residential architectural standards as well as the roads.

Community Recreational Elements

The trails network is somewhat changed from previous versions of the specific plan, but the trail standards for the various types of trails continue to be an issue. The Project should adopt the trail standards of the Valley Center Trails Association/County as a way of implementing consistent standards for public trails throughout the Project. The standards for the Project's 'public' trails allow the tread area to narrow to as little as 3 feet, an unacceptable width for new trails.

Conclusion

Surely, the Lilac Hills Ranch Project tramples far too much of the General Plan and the Community Plans to be approved. The County should instruct the Applicant to revisit those plans and conform the Project to them. The Applicant's General Plan Amendment and Specific Plan—which deviates so greatly from existing planning law—could, if approved, set a new precedent in San Diego County land use policy that overrides the intent of the General Plan and severely diminishes the authority of the community plans. The Applicant must provide the VCCPG the kinds of specific, detailed information necessary for a reasoned

evaluation. Most of what we have been presented so far is suggestive, contingent or conceptual with no intent to commit to a specific plan.

None of the substantive issues requiring resolution identified in either the October 22, 2012 Valley Center Community Plan comments or the December 10, 2012 Planning and Development Services letter to the Applicant have been addressed.

Those of us who have read iteration after iteration of the Lilac Hills Ranch Specific Plan are mystified. We are not seeking unusual or difficult documents. We wish merely to have this applicant produce the standard studies and analyses that all past applicants have been required to prepare so we can efficiently review the Project for compliance with the Community Plan and the General Plan. We want the Project to show respect for the General Plan and its principles. We want a project that will not destroy Valley Center, the lives of our neighbors and the entire planning process in the County.

Appended 22 October 2012 Comment Letter:

October 22, 2012

To: Mark Slovick
Project Manager

From: Valley Center Community Planning Group

Re: Lilac Hills Ranch Specific Plan
GPA 12-001; SPA 12-001

Introduction

On September 25, 2012, Accretive Investments submitted to the Department of Planning and Development Services [DPDS] the Specific Plan and tentative maps for their Lilac Hills Ranch Development. Subsequently the documents (Plan Text and some maps) were provided to the Valley Center Community Planning Group for review. The pages that follow provide commentary on the materials that we have in hand.

The available documents continue to be incomplete and not sufficient for a full review. Many key elements such as the Traffic Study and other technical reports are not yet available. We continue to reserve the right to make additional comments as more key documentation is released to the community. This letter

and the letters dated June 11, 2012 and July 9, 2012 (both attached) should not be construed as our “one bite of the apple.”

Furthermore, many of the objections contained in this letter have been raised in previous reviews. Most have not been addressed by Accretive in the new iteration of the Specific Plan and so our substantive concerns remain. We continue to be concerned as well by the lack of clarity in most aspects of the plan and with the absence key documents.

Based on the materials available for review thus far, the Valley Center Community Planning Group is strongly opposed to the approval or construction of the Lilac Hills Ranch project. The pages that follow detail our objections to the Specific Plan. We begin by outlining seven areas that we find critically important—and that, in themselves, appear to be a strong argument for refusing the plan. Later in this document we discuss the seven objections in greater detail along with other, lesser concerns. The seven main objections include:

1. The Project is too large and too dense for Valley Center and it is improperly located. Placing 1,746 homes and 5,000 people on 608 acres with densities as high as 8.8 dwelling units per acre is simply incompatible with the rural location in which the Project has been sited.

2. Roads and Traffic. The nature of the roads that must carry traffic generated by Lilac Hills Ranch is one of the most fraught and difficult topics associated with this project. The area has been able to move cars across winding, two lane roads that pass through hilly landscape only because of its present lack of density. With the addition of 1,746 homes, the roads will, without extensive new road construction plus considerable widening and straightening, will be greatly challenged to handle, safely and efficiently, the additional five thousand individuals who will populate the development. The county's limited road construction budget will be severely taxed—and diverted from other pressing needs—to provide for the huge influx of automobiles created by Lilac Ranch. Questions of the cost of road construction, evacuation needs and acquisition of rights-of-way by the applicant are also extremely serious.

3. Compliance with the General Plan The Lilac Hills Ranch Specific Plan threatens to overturn virtually every element in the County's new General Plan adopted in 2011 after 12 years of discussion and community involvement, millions of dollars in government expenditures and countless hours of effort on the part of local citizens. If the Lilac Hills Ranch Project is allowed to proceed, one has to question if there is any development that would be rejected because it violated the General Plan. Exactly what destruction of local communities does the General Plan prevent?

4. Services and Infrastructure-Water. Schools. Fire. Waste Treatment Infrastructure is expensive. Putting in new roads, adding additional lanes to a

bridge, building a fire station, putting up a new school, installing sewer and waste treatment plants and building trails all cost large amounts of money. A principal reason why the General Plan Update strongly favors “compact, town center developments” while stating that it intends to limit “growth in areas without adequate roads, water and sewer service” is because of the demands on the public purse for building these infrastructure items over and over.

Lilac Hills Ranch is seeking to build a city the size of Del Mar that will require an almost entirely new infrastructure--new roads, schools, sewer systems and a broad range of other infrastructure items. That a private development could or would build this expansively strains credulity. The Valley Center Community Planning Group doubts the viability of this approach.

5. LEEDS/ Sustainable and Walkable Community. It is necessary for the Lilac Hills Ranch project to argue that they are at least potentially able to qualify for LEEDS certification in order to avoid the General Plan prohibition on Leapfrog Development. The project, placed as it is miles from the heart of Valley Center, violates Guiding Principle 2 and General Plan Policy L-1 which defines and governs Leapfrog Development. Leapfrog Development is defined as Village densities located away from established Villages or outside established water and service boundaries. Lilac Ranch Hills *is* leapfrog development and it cannot qualify as a LEEDS community under any reasonable understanding of the standards.

6. Agriculture. The General Plan Update has set aside the area where Lilac Hills Ranch would be built as a place for agriculture and other rural and semi rural uses. In contrast to the claims made by the Project proponents, the area is not characterized by *historical* agricultural activity. It is a present-day agricultural area. Avocado, citrus, cactus commercial nurseries and other farm operations are located in and around the project areas. These agricultural uses attract insect and fungal infestations which mean that aerial spraying is often necessary. Spraying would pose a danger to individuals living in the area. On the other hand, prohibiting spraying would make farming nearly impossible. Building Lilac Hills Ranch in the area for which it is currently planned would greatly damage many productive, beautiful and successful agricultural operations.

7. Twists of meaning and lack of clarity in the plan. One of the most difficult aspects of the Lilac Hills Ranch Specific Plan is the extent to which it makes misleading claims. They would have us believe that they are building a LEEDS or equivalent development even though Lilac Hills Ranch violates virtually all LEEDS standards, that adding 5,000 residents to a rural area actually improves traffic over narrow winding back roads, that grading and moving 4.3 million cubic yards of earth (enough to build a path 4 feet wide around the equator) preserves natural resources and habitat for animals.

Broader Discussion of the Seven Major Problems.

1. Lilac Hills Ranch is too Large, too Dense and in the wrong location. To place a city the size of Del Mar in a rural area fundamentally alters the character of the community in almost every way. It poses major problems for evacuation in the event of fire (a major issue in a community like Valley Center), complicates the provision of services and the creation of adequate roads. The development destroys the quality of life for individuals who already live in that area.

There is nothing remotely like the proposed project in Valley Center. It's size—608 acres and 1746 dwelling units plus Assisted Living facilities of an undetermined size—its density—locating up to 8.8 dwelling units per acre on land that is currently zoned semi-rural by the new General Plan allowing only 1 dwelling unit per four acres (400 of the acres) or 1 dwelling unit per 10 acres (132 of the acres)—and its location of urban densities and infrastructure in an area long reserved for rural living and agriculture are all wrong for the site they have selected.

More fundamentally, there is no need for this project in order to provide housing or services for Valley Center. Valley Center is already accepting and planning for its share of San Diego County's growth through 2030 as predicted by SANDAG. About 25% of that growth will be served by the construction of two compact Villages built along Valley Center road. Valley Center population will nearly double from its current 19,000 to 38,000. In preparation for the construction of these Villages (which are near schools, fire protection, parks and libraries), Valley Center Road has been widened and improved at a cost of \$54,000,000.

Extending sprawl and urban development into agricultural portions of the county is a mistake—and for what purpose? Valley Center is actively planning and investing in developments that do a better job of locating homes where infrastructure and people already exist.

Roads and Traffic

The Roads that exist in and around the site of the Lilac Hills Ranch project are decidedly small, winding and built to carry the volume of traffic associated with a relatively unpopulated rural area. The population increment that the Project proposes will necessitate extensive building, widening and reconfiguring of roads at great cost.

On October 12, 2012, the North County *Times* reported that the Board of Supervisors voted to reduce developer fees (TIF) by half. The fee rates, which have been a source of criticism from building industry leaders, were set to pay for \$900 million of expected road improvements. According to the North County *Times*, "County Officials now say \$353 million is needed to support growth

because the county's newly approved General Plan favors compact, town-center development in rural communities and it severely limits growth in areas without adequate road, water and sewer service." Approval of the Lilac Hills Ranch stands in direct opposition to this decision. With the TIF greatly reduced, compact, contiguous development takes on even greater significance.

In addition to the need to build expensive new roads to carry traffic created by the development, the Lilac Corridor roads are a critical pathway for evacuation. In the event of a major fire or other disaster in Valley Center, the Lilac Hills Ranch development will act like a cork in a wine bottle. Its thousands of residents will clog the roads preventing the evacuation of residents who live in more central areas of Valley Center. Even costly new roads will likely not be sufficient to safely move the volume of traffic that will crowd them should evacuation be necessary.

The Specific Plan cites goals for its circulation plan that are clearly not met by the roads it would construct. The goals call for a safe and efficient circulation system but Figure 24 in the Specific Plan presents a circulation map that is highly inefficient. The connections between the northern and southern pods of the Project are tenuous. It is unclear that sufficient easements are in place to allow any connection between the north and south pods. The Project's entrance and exit in the south pod along Mountain Ridge Road is questionable in terms of legal access. Residential roads throughout the Project are only indicated by suggested starting points rather than mapped placements. It seems that the applicant is seeking the entitlements to build this Project without providing the details needed to evaluate the impact of the entitlements.

The *Traffic Impact Study* necessary to evaluate traffic and circulation impacts has yet to be provided. While it is clear that new roads will be constructed, considerable mystery surrounds what will be done and what traffic loads will be accommodated. Thus, the Specific Plan is lacking in adequate detail to enable proper analysis of the compliance of the proposed road network with county standards. In addition, the Valley Center context map incorrectly shows Road 3A as passing through the project. Road 3-A was deleted from the General Plan last year and should be removed from all maps of the area. *The Valley Center Community Planning Group asks that the Traffic study be provided at the earliest date possible because it is key to a clear analysis of traffic impacts.*

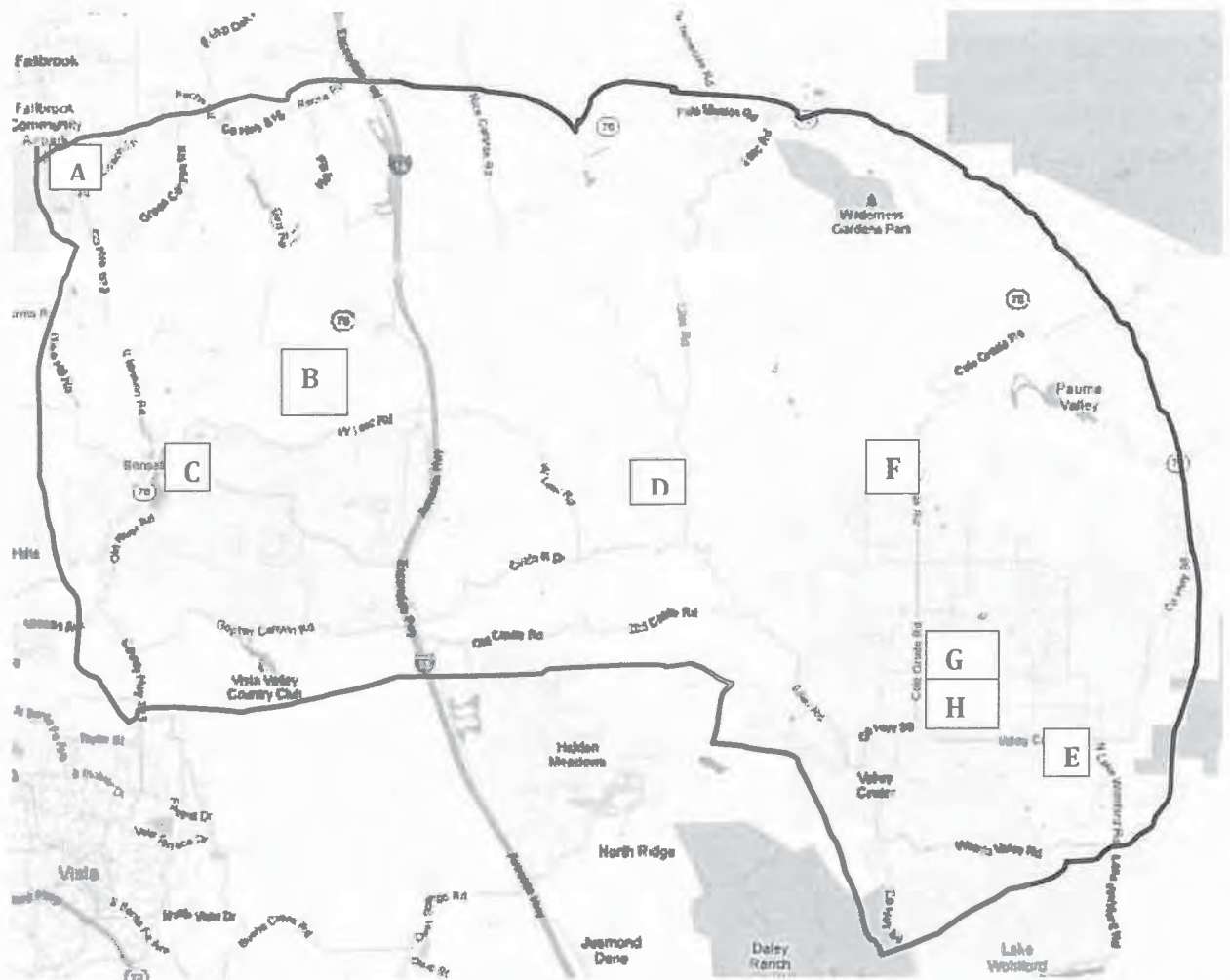
The private roads described in the Specific Plan and Master Tentative Map have several road intersection designs that pose safety concerns. Further, in the Specific Plan and Master Tentative Map the applicant is asserting legal rights to road easements on Private Roads for which the applicant likely does not have rights to access or use.

Traffic Impact and Traffic Impact Study

The September 2012 second draft of the Specific Plan is the first release to the public by the County of any information that enables even rough order of magnitude (ROM) sizing of vehicular traffic generated by this proposed commuter, high density, urban development not serviced by transit facilities and nearly 20 miles from the nearest SANDAG designated Employment Center.

Using SANDAG Mixed Use Trip Generation Model V4 for Average Daily Trip (ADT) generation, it becomes apparent that approximately 31,000 average daily trips (ADT) will be generated. The 31,000 trips are *9 times* the current 3,500 ADT load that moves on Circulation element roads with current land use and residential pattern. If roads must carry this new volume of traffic they will require extensive off site public road improvements to avoid Level of Service F conditions. (See Appendix A for detail on the application of the Mixed Use Generation Model V.4)

Because of circulation patterns that will include Valley Center and Bonsall schools and other daily commutes, the Traffic Impact Study Area must include an area that covers roughly SR-76 to the north, Valley Center Road and Lake Wohlford Road on the east, Castle Creek/Gopher Canyon to the south, and East Vista Way in Bonsall to the West. The schools that may service the Project and an outline of the proposed Traffic Impact Study Area are below:



Traffic Impact Study Area Zone

A – Fallbrook High School

B – Bonsall Middle School

C- Bonsall Elementary School

D- Lilac Elementary (VC)

E- VC Middle School

F- VC High School

G- VC Primary School

H-VC Elementary School

The Valley Center Community Planning Group requests that the County require that the Traffic Impact Study Area be as broad as indicated above and that the County release such Traffic Impact Study for Public Review immediately.

Safety Concerns

In *West v County of San Diego et.al.* 37-2008-00058195-CU-PO-NC, the County is being sued for defective design of the intersection of Covey Lane at West Lilac Road resulting in a vehicular fatality on August 9, 2007.

The Applicant is proposing multiple traffic designs that have systemic safety issues far greater than *West* alleges. The private roads described in the Specific Plan and Master Tentative Map have multiple road intersections and designs that raise safety concerns.

For example, the Applicant's proposed use of Covey Lane as an "Interim Public Road" 600 feet from the intersection of West Lilac Road (as indicated in the Tentative Master Map) along with dramatically increasing Average Daily Trips at the intersection is a major safety issue. There is a very limited sight line at this intersection. At the level of traffic the Applicant is proposing, extensive off site improvements to West Lilac Road and the addition of a traffic signal or similar controls are likely required. The Applicant has not provided for these measures in his design.

There is an additional safety issue of major concern with the Applicant's proposed integration of the existing Covey Lane Private Road with the "Covey Lane 600 foot Interim Public Road." The merger of the existing 40' private road with the Public Road appears not to conform to road design standards.

The Applicant's proposed use of Mountain Ridge as a Private Road, 3800 feet to the intersection of Circle R Road (as indicated in the Tentative Master Map) along with increasing the average daily trips at the intersection more than two orders of magnitude, is another major safety concern. There is an extremely limited sight line at this intersection. At the level of traffic the Applicant is proposing, extensive off site improvements to Circle R Road and addition of a traffic signal or similar controls are likely required. Again, the Applicant has not provided for these measures in his design.

The Applicant's proposed 500-foot transit of Lilac Hills Ranch Road across APN 128-290-78-00 and intersecting Covey Lane (See page III-6 of the Specific Plan) and the increase in average daily trips at the intersection by more than three orders of magnitude is a major safety issue. There is less than a 100-foot sight line at this intersection. At the level of traffic the Applicant is proposing, extensive off site improvements to the existing Covey Lane Private Road and addition of a traffic signal or similar controls are required, unless the Applicant is proposing an elevated bridge.

The use of traffic circles (at these dimensions and traffic volumes the Institute of Traffic Engineering defines these as Traffic Circles, not "Roundabouts") to merge

the Applicant's proposed "New West Lilac Road" with the existing West Lilac Road as indicated in the Tentative Master Map appears more driven by the desire to minimize the amount of land dedicated to public road use and the avoidance of the non-recurring and recurring cost of traffic signals than it does with public safety. There is a safety concern with this proposed use of traffic circles because of the lack of information and experience and documented safety data for similar designs in San Diego County. The Valley Center Community Planning Groups asks that the County perform Safety and Traffic Load analyses of these Traffic Circles as designed and release the results to the Public for review at the earliest possible date. In fact, the Valley Center Community Planning Group requests that the County perform Safety and Traffic Load analyses on all of these safety concerns and share them with the public at the earliest possible date.

Legal Rights for Private and Public Road Easements.

On February 7, 2011, the County issued the Applicant the following instructions regarding Easements in the Pre Application Scoping Letter MPA 10-25:

4. Off-Site Grading for Public and/or Private Road Improvements

To allow for public and/or private improvements for areas outside the boundary of this subdivision along Interstate 15, Old Highway 395, West Lilac Road, proposed Mobility Element Road 3A, Birdsong Drive, Covey Lane, Mountain Ridge Road, Nelson Way, Rodriguez Road, and other roads in the vicinity of the project site, the following shall be completed:

It is the applicant's responsibility to provide suitable evidence that offsite improvements including grading, dedications, grants (if any), and easements can be accomplished without resorting to County of San Diego assistance. This evidence can be provided in several forms (provide a letter of explanation with the below forms) used:

- A Title Report showing applicant has the right to construct improvements along with a Title Company Guarantee (\$20,000) acknowledging those rights;
- Recorded Grant Deed or Recorded Right To Purchase for the area where improvements are to be constructed;
- Other evidence satisfactory to the County that clearly shows an existing and continuing right to construct the required improvements.

The applicant's evidence must also show the ability to have any existing utility easements subordinated to the new Public Easement (if any) as per County Subdivision Ordinance. The foregoing must be accomplished to the satisfaction of DPLU and DPW prior to DPW writing final requirements for this project.

Provide a Map, to Engineer's scale, which clearly indicates any off-site road Easements/Dedications/Letters of Permission to Grade/Improve to be acquired, existing I.O.D.s, existing Public Road Easements, etc. Letters of Permission to Grade/Improve must be notarized. Please note that existing off-site road easements may need to be expanded to accommodate road widening required by the project. The ultimate right-of-way width required would be determined through the results of a traffic study.

A coalition of concerned property owners and a surveyor retained by the property owners have done extensive research into road easements asserted by the Applicant in the Specific Plan (SP) and Master Tentative Master Map (TM).

In the Master Tentative Master Map, we believe that the Applicant has placed Roads in locations for which he has no Legal Rights. Those roads are:

1) *Mountain Ridge Private Road*. On Sheet 8 of the Temporary Map and in the Specific Plan, the Applicant has indicated the implementation of future road improvements and use of Mountain Ridge as a private road for purposes of traffic circulation for his Development. On Sheet 2 "Existing Easements" and Sheet 3 "Easement Notes", the Applicant has referenced no road easements for use of Mountain Ridge beyond the boundaries of his proposed subdivision. Detailed

analysis of the Title for APN's 129-300-09 and 129-300-10 has indicated that there are no Easements for usage of Mountain Ridge from the proposed Subdivision Boundary and 3800 feet southerly until the intersection with Circle R Road.

The Valley Center Community Planning Group requests that the Department of Planning and Development Services [DPDS] obtain Certified Legal Road Easements from the Applicant for Mountain Ridge consistent with Item 4 in the 2/7/11 Letter MPA 10-25 and release the information for public review in the near future.

2) *Six hundred foot Covey Lane west of West Lilac as a public road.* On Sheet 8 of the Tentative Map and in the Specific Plan, the Applicant has indicated the implementation of a future approximate 600-foot Covey Lane Public Road for purposes of connecting West Lilac Road to his proposed Subdivision on APN 129-010-68 of his proposed Subdivision. On Sheet 2 "Existing Easements" and Sheet 3 "Easement Notes", the Applicant makes no claim of an existing Road Easement Right for this location.

3) *Irrevocable Offer to Dedicate.* On Sheet 8 of the Tentative Map and in the Specific Plan text the Applicant refers to an "Existing 30-foot Irrevocable Offer To Dedicate" and indicates moving water meters and fences on APN's 129-010-83 and 129-010-84 which are privately owned and outside the Applicant's proposed Subdivision.

An Irrevocable Offer to Dedicate (IOD) to dedicate 30 feet of road easement was offered to the County and rejected for use August 29, 2000 via Subdivision Map TM 18536. The IOD granted and rejected by the County does not fully connect to the east to West Lilac Road. Additionally this IOD probably conflicts with the Covey Land 40 foot Private Road Easement Agreement 79-539700 recorded December 28, 1979.

Accretive does not have legal rights for the "Covey Lane (Pub) road depicted in Sheet 8 of TM5571 RPL 1. The IOD for an approximate 30 feet of road easement is property of the County and Accretive cannot use these rights without resorting County of San Diego assistance, violating a condition previously imposed on Accretive by the County.

There is no valid IOD for the "COVEY LANE (PUB)" as represented by the Applicant on Sheet 8 of TM 5571 RPL 1. If there is a valid IOD, it would be property of the County of San Diego, not the Applicant.

The Valley Center Community Planning Group requests that the Department of Development and Planning Services obtain Certified Legal Easements from the Applicant that enable the 600-foot Covey Lane Public Road consistent with Item

4 in the 2/7/11 Letter MPA 10-25 and release the information for public review in the near future.

4) *Covey Lane Private Road Easement*. Extensive research has concluded that the 40-foot Private Road Easement for Covey Lane was created by Private Road Easement Agreement 79-539700 recorded December 28, 1979, and has not been modified or superseded.

While the Applicant has rights as an “heir or assignee” to this 12/28/79 agreement for properties that he owns, there are eleven other current “heirs and assignees” that would need to grant the Applicant additional rights to use Covey Lane as the Applicant has described in the Specific Plan and represented in the Temporary Map.

Therefore, the Applicant does not have the right to overburden Covey Lane with any traffic from the Applicant’s proposed Subdivision, including intersecting Covey Lane with Lilac Hills Ranch Road as proposed on SP page III-6 Item 2 “Private Roads” b) “Off-site Private Road Improvements” i) “Lilac Hills Ranch Road’.”

The Valley Center Community Planning Group requests that the DPDS obtain Certified Legal Easements from the Applicant for Covey Lane Private Road consistent with Item 4 in the 2/7/11 Letter MPA 10-25 and release the information for Public review in the near future.

5) Rodriguez Road – Property Owners have not yet done an assessment of Easement Rights asserted by the Applicant on the Rodriguez Private Road.

The Valley Center Community Planning Group (VCCPG) requests that the DPDS obtain Certified Legal Easements from the Applicant for the Applicant’s intended use of Rodriguez Road (Private) consistent with Item 4 in the 2/7/11 Letter MPA 10-25 and release the information for Public review in the near future.

Compliance with the General Plan

The San Diego County General Plan is based on 10 guiding principles. It is difficult to understand why the Lilac Hills Ranch is receiving such serious consideration when it appears to violate each of them. The 10 are:

Guiding Principles

The General Plan maps, goals and policies, and implementation programs are based on a set of ten interrelated principles that provide guidance for accommodating future growth while retaining or enhancing the County’s rural character, its economy, its environmental resources, and its unique communities. The ten Guiding Principles are:

1. Support a reasonable share of projected regional population growth.

2. Promote health and sustainability by locating new growth near existing and planned infrastructure, services, and jobs in a compact pattern of development.
3. Reinforce the vitality, local economy, and individual character of existing communities when planning new housing, employment, and recreational opportunities.
4. Promote environmental stewardship that protects the range of natural resources and habitats that uniquely define the County's character and ecological importance.
5. Ensure that development accounts for physical constraints and the natural hazards of the land.
6. Provide and support a multi-modal transportation network that enhances connectivity and supports community development patterns and, when appropriate, plan for development which supports public transportation.
7. Maintain environmentally sustainable communities and reduce greenhouse gas emissions that contribute to climate change.
8. Preserve agriculture as an integral component of the region's economy, character, and open space network.
9. Minimize public costs of infrastructure and services and correlate their timing with new development.
10. Recognize community and stakeholder interests while striving for consensus.

To anyone who has carefully read the Accretive submission, it appears that they have designed a project that would violate each of these ten principles. Their Specific Plan only purports to address and show consistency with the goals of the General Plan. The project is not located near existing or planned infrastructure, services and jobs in a compact pattern of development (#2). The proposed project is compact only in the sense that 1746 units are compressed into a 608 acre project site which is presently zoned for around 110 units.

The Project certainly does not reinforce the vitality and individual character of the existing community (#3) in the area the proponent has selected. The west of Valley Center is and has long been an area of agriculture and rural homes. The building of schools and homes would take away those uses. The aerial spraying that often accompanies and is necessary for robust plant growth would have to stop if confronted with dense residential development.

The Lilac Hills Ranch Specific Plan does not promote environmental stewardship that protects the natural resources of the region nor ensure that development accounts for the physical constraints of the land. (# 4 and 5). The Project will move 4.4 million cubic yards of earth on a 608-acre site destroying land contours and natural resources and not respecting the physical constraints of the land. Cutting and filling, on average, one and a half cubic yards of earth for every square yard of the project's surface is not a recipe for the Applicant to "integrate, maintain, or preserve" the major physical features of the site nor "preserve natural resources...and enhance connectivity to community development patterns". The results will be to completely disturb and reshape the landscape to suit the high density of housing proposed leaving only narrow corridors for wildlife transit and connectivity.

There is no multi-modal transportation network that enhances connectivity. The project will require its residents to commute to jobs in San Diego or Temecula thereby adding to Greenhouse gases. (#6 and 7) The commercial areas of the development will generate only a small number of low-paying retail jobs and even fewer relatively low-paying senior health/maintenance jobs. Few, if any, of these jobs would be capable of supporting a mortgage on the housing the applicant proposes to build. There will be increased daily trips for these workers as they travel to and from their homes and for residents of Lilac Hills Ranch as they commute to employment centers in Escondido, Temecula, Vista, and Oceanside. The 75,000 square feet of commercial mixed-use space will not provide the array of services and retail opportunities required by a Del Mar-sized town of over 5000 residents. And, that makes this project one that distinctly does not encourage “non-automobile mobility.”

The Project certainly will not preserve agriculture having selected as its site one of the richest agricultural regions of Valley Center nor will it minimize public costs of infrastructure and services. (# 8 and 9). Although the Applicant claims in the Specific Plan to have “worked” collaboratively with the Valley Center Community and in fact that “the project was extensively redesigned in response to the comments and issues raised during the meetings and workshops held over the past several years”, this is simply not so. To the contrary the applicant has cherry picked supporters and held “private” meetings while specifically excluding those who question the project, some of whom are the community’s elected officials. (#10)

The Lilac Ranch Specific Plan raises major questions about the extent to which the County of San Diego values and is prepared to defend its General Plan, 2011.

Services and Infrastructure (Water, Schools, Fire, Waste Treatment)

Lilac Ranch will require virtually all new infrastructure. We have considered roads at considerable length and noted the problems associated with them. Much the same picture applies to schools, water, fire protection and waste treatment.

Schools. It is unclear where students who live in Lilac Ranch will attend school. The Specific Plan notes that there will be an 11.2-acre site on which to build a K-8 school. Despite the claims made by the applicant, there is no Project Facility Availability Form from Valley Center-Pauma Unified School District, Bonsall Union School District, or Fallbrook Union School District attached to the Specific Plan. There is no indication of support from any district for the suggestions made in the Specific Plan.

If a new school was built, none of the three districts has indicated interest in managing the new facility on the Project site. Valley Center-Pauma USD has one school that is presently vacant and so, certainly, adding a remote school site to Valley Center-Pauma would constitute a substantial and unnecessary expense for that school district.

If no school is built in Lilac Ranch Hills, students would either be bussed or transported by parent to existing schools, not only for grades K-8 but also for grades 9-12. Such an arrangement would have an impact on district bussing costs. It would also impact traffic flows through the Valley Center and Bonsall/Fallbrook areas and must be addressed in the traffic study for the Project. It appears that a new school in the project is not sought by any of the neighboring school districts but it would serve to reduce trips across roads ill equipped to handle them. As in other aspects of the project, exactly how primary education will be managed remains unclear and likewise the impacts associated with moving students to schools in nearby communities are undefined.

Fire. The Lilac Hills Ranch Fire Protection Plan relies on the Deer Springs Fire Protection District (DSFPD) and CALFIRE to provide fire protection. According to the DSFPD Project Facility Availability Form in the Appendix of the Specific Plan, there is no fire protection available for the Project for the next five years (the length of time for consideration called out by the form). Further, the applicant has measured the emergency response times from the CALFIRE Miller Station adjacent to the Project. However, that station is seasonally manned and does not have assigned paramedic units. DSFPD says the correct primary response station is Station 2 on Circle R Road which is five miles distant from the primary entrance to the Project, making emergency response considerably longer than the time required by law.

*Water and Waste Water.*¹ The Applicant suggests that the Valley Center Municipal Water District (VCMWD) is able to serve the Project but mentions none of the conditions or limitations contained in the Project Facility Availability Form in the Appendix of the Specific Plan. They cited several conditions that are not specifically addressed in the Specific Plan. The applicant continues to suggest that recycling wastewater for use irrigating landscaping is only a goal but VCMWD has said it is a requirement. The Plan should acknowledge this requirement. The applicant says the Project will supplement recycled water with well water, claiming that 90% of the neighboring properties don't use well water since they are served by VCMWD. However, those neighboring property owners may be using well water as a supplementary source for irrigation of agricultural crops just as the applicant proposes.

¹ The Valley Center Planning Group was notified 22 Oct 2012, that the Valley Center Municipal Water District voted to provide water to the proposed Lilac Hills Ranch project pursuant to the conditions listed in their Project Facility Availability form.

Since the Valley Center Municipal Water District (VCMWD) has indicated that it does not have the facilities near the site to serve the project within the next five years (see Specific Plan Appendix, Project Facility Availability Form – Water), the applicant will have to build new pipelines, treatment and recycling facilities to serve the Project. While LEED 2009-ND allows for such construction, the intention of the standard is to allow it in urban infill areas to extend existing infrastructure. In this case, the new construction is being proposed for a green field, rural agricultural area, which is expressly discouraged by LEED 2009-ND.

Again in this section of the Specific Plan the applicant continues to use equivocating language that suggests recycling of wastewater for onsite irrigation “...could possibly then be used to irrigate all of the common areas, front and rear yards of residential homes and potentially be available as a backup water supply system in the event of major fires.” The question becomes, will it happen or not? The language suggests, at the very least, there is much uncertainty whether or not such a system will be in place. However, VCWMD has said it must be in place in order to meet the water demands of the Project.

The Project will not build a wastewater treatment plant during the initial phases of development. The initial proposal was that wastewater would be collected and trucked to an offsite facility for treatment, making it unavailable for use as irrigation water. This procedure would have added numerous daily trips to and from the Project, trips which could go on for a lengthy but undetermined period. The most recently revised map now proposes installing a temporary 26,000 foot (5 miles) four inch (4”) force main sewer line where effluent will be pumped from a temporary pumping station in Phase I. The temporary force main will be buried two to three feet below current grade, transiting from Phase I, southerly through the project, across Mountain Ridge and then down Circle R to the Moosa Canyon treatment plant. There is a significant risk to sensitive habitat and streams if there is a break or rupture in the line. The Waste water Treatment Plan and Recycling Facility is currently planned for construction in phase 3. To avoid environmental damage, phase three, or at least the Water Treatment Plant and Recycling Facility should be moved up the priority list for construction.

There are other facilities and services that Lilac Hills Ranch will require—recycling, emergency medical services to name but two--but the pattern of problems is the same. Public agencies are unable to provide the required service within the foreseeable future and the Project is unclear about how it will proceed under the conditions that the Project confronts. These problems are not unexpected in a project that seeks to create so many facilities and services on such a large scale.

Leeds and Sustainable/Walkable communities.

It is necessary for the Lilac Hills Ranch project to argue that they are at least potentially able to qualify for LEEDS certification in order to avoid the General Plan prohibition on Leapfrog Development. The project, placed as it is, miles from the heart of Valley Center, violates General Plan Guiding Principle 2 and General Plan Policy L-1, which defines and governs Leapfrog Development. Leapfrog Development is defined as Village densities located away from established Villages or outside established water and service boundaries. Leapfrog Development standards do not apply to new villages that are designed to be consistent with the Community Development Model, that provide necessary services and facilities and that are designed to meet the LEED-Neighborhood Development Certification. The LEEDS-ND 2009 standards are important for Lilac Hills to reach so that it will not be considered (and prohibited) as leapfrog development. The criteria for LEEDS certification are as follows:

• **LEED 2009 for ND Project Checklist:**

Prerequisite 1- Smart Location

Prerequisite 2- Imperiled Species and Ecological Communities

Prerequisite 3 - Wetland and Water Body Conservation

Prerequisite 4- Agricultural Land Conservation

Prerequisite 5- Flood Plain Avoidance

Preferred Locations 10 pts

Locations with Reduced Automobile Dependence 7 pts

Housing and Job Proximity 3 pts

Steep Slope Protection 1 pts

Site Design for Habitat or Wetland and Water Body Conservation 1 pt

Long-term Conservation Management of Habitat or Wetlands/ Water Bodies 1 pt

The LEED 2009 for Neighborhood Development web-site says, " *This rating system is designed primarily for the planning and development of new green neighborhoods, whether infill sites or new developments proximate to diverse uses or adjacent to connected and previously developed land. Many infill projects near transit will be in urban areas, which help direct growth into places with existing infrastructure and amenities.*

It is clear from this list of standards and explanation that Lilac Hills Ranch is not truly designed with any of them in mind. Their Specific Plan does claim to be LEED 2009-ND compliant but fails to meet the prerequisites for the first 5 categories of compliance. The quote from the LEED 2009 Neighborhood Development Rating System suggests that the applicant does not understand the requirements for a LEED 2009-ND project. The Smart Location and Linkage prerequisites include smart location, avoidance of imperiled species and ecological communities, wetland and water body conservation, agricultural land conservation and flood plain avoidance. This project fails to meet four of the five prerequisites for a green LEED 2009-ND project. Regardless of how much the

new construction addresses green processes and materials, it fails to meet the basic location requirements.

With regard to the structure of neighborhoods, Leeds guidelines say, *“The neighborhood, as laid out in LEED-ND, is in contrast to sprawl development patterns, which create pod-like clusters that are disconnected from surrounding areas.”* The Lilac Hills Ranch Project is characteristic of sprawl development by being proposed for current agricultural lands, making extensive grading alterations that will disturb both agriculture and wildlife, and impinging on wetlands with roads and urban runoff. It's one achieved prerequisite is that it is not proposed for a flood plain. The three pod-like “neighborhoods” of the Project are barely connected in terms of distance and boundaries. Questions regarding roads and transit access make the claim for smart location even harder for this Project to achieve. The Project site is not a preferred location under the evaluation criteria. Many of the other claims for compliance with LEED ND requirements are misinterpreted or incorrect.

The guidelines continue, *“This compact form of development will locate housing close to retail, services, schools, and jobs, allowing for the preservation of an increased amount of open space, natural habitat and agriculture that will contribute to the retention of the rural setting and lifestyle of the adjacent community.”* The footprint of the Lilac Hills Ranch project is not compact by any measure. And, rather than preserving more open space, it is doing the opposite by proposing to build with urban density on existing green field agricultural and low density residential land. And, thereby, destroying open-space and the rural setting and lifestyle that it purports to preserve.

The goal of a mixed-use pedestrian-oriented sustainable community is defeated from the start by the stretched, amoebic shape of the Project which extends from north to south for over two miles and from east to west for over three quarters of a mile. Further, the Project is nearly severed near the middle by properties not included in the Project. This shape drives the developer to make three “community nodes” to claim walkability distances of the recommended half mile radius. However, taken together, the Project inhabitants will have to walk well over a mile to get from end to end of the Project. The three commercial nodes for a walkable community would not be necessary if the project area was more regular and compact rather than stretched out and discontinuous.

The two smaller commercial “neighborhood centers” seem intended to address the ‘walkability’ requirement of the LEED 2009-ND standards. However, neither of these centers will be adequate to satisfy the needs of prospective residents, requiring them to travel, likely by car, to other stores most likely outside the project to a distant commercial zone

The claim that Lilac Ranch Hills augments the area adjacent to I-15 is incorrect. This Project will supplant an existing agricultural/rural residential low-density

usage with a high-density, urban pod development that relates to nothing surrounding it. The commercial/mixed use areas will not provide enough employment or the quality of employment needed by residents to significantly reduce average daily trips. Neither will those commercial areas significantly reduce trips for residents outside of the Project because there will not be the diversity of services needed to accomplish that goal. In the end, this Project fails to balance population, housing needs, open space, agriculture and infrastructure because it attempts to create an isolated urban project with an outsized population density compared to the area now, with only a shadow of an acknowledgement of the present agricultural and open space uses.

There are no circumstances under which the presently proposed project can successfully “incorporate and encourage low impact development and sustainable practices” at the proposed Project site. At every turn, this Project will have tremendous impacts on the current and planned Lilac Triangle agriculture and rural residential uses because its proposed urban structure is inherently incompatible with present uses and development patterns.

The applicant refuses to acknowledge those impacts and instead wants to mitigate them by offering up token patches of orchard and remnant strips of open space. To accomplish this urbanization of the Lilac Triangle, will require the applicant to install urban services onsite, none of which fulfill the intent of low impact and sustainable development practices. *The applicant is planning to build the entire infrastructure needed to support such a large and dense project because none of it presently exists*, a condition that runs counter to the requirements of LEED 2009-ND and virtually all other serious green and sustainable building standards. Those are standards the San Diego County General Plan purports to support. Recycling centers, schools, recreational facilities, roads, and utilities are all the sorts of infrastructure that exist in the County’s incorporated cities and are desirable for the kind of infill development that this Project should be. To build new infrastructure for this kind of Project defeats the entire concept of green and sustainable development and makes a mockery of County support for green and sustainable development.

Agriculture

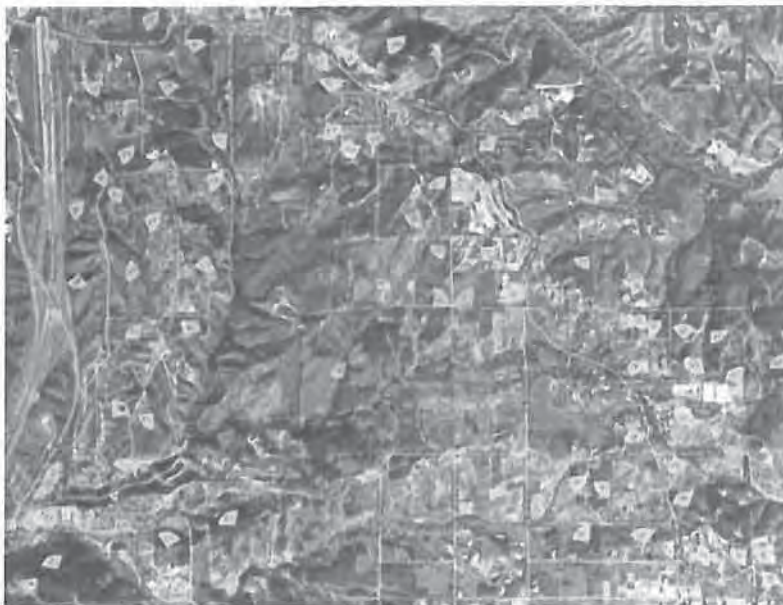
The Project calls the Lilac Triangle an area of “historical agricultural activities” but the chart presented below indicates that Agriculture is flourishing in the area today. The Britsch cactus farm ships rare specimens all over the world and provides high-grade cactus to numerous retail operations. Archie’s Acres produces organic produce and trains returning veterans, many of whom have Traumatic Stress Disorder, in organic and hydroponic techniques that provide both therapy and a means of useful employment. Citrus, avocados, tropical plants, proteas and eucalyptus, palms, tangerines, flowers, pomegranates, and orchids all flourish in the area.

Modern technology could enhance agriculture here as well. The remoteness of the area lends itself to solar arrays and wind generation, both quite compatible uses in agricultural area. Grapes for wine—a new industry in Valley Center—could also thrive on the hills and steep slopes of this area.

Without question, it is the intention of the Valley Center Community and the Valley Center Community Planning Group that the rugged, remote and fire prone areas in its western areas should remain as large parcels in agriculture while the core of the town—represented by the North and South Villages—should accept planned development and services.

Lilac Ranch Hills will not augment the area adjacent to I-15. This Project will supplant an existing agricultural and rural residential low-density usage with a high-density, urban pod development that relates to nothing surrounding it. It will have tremendous impacts on current and planned Lilac Triangle agriculture and rural residential uses because its proposed urban structure is inherently incompatible with present uses and development patterns. Why should area farmers give up their livelihood to allow a high density, high impact project? Why should taxpayers support the creation of new infrastructure built almost from scratch that destroys the areas natural features?

The map below, painstakingly created by a Valley Center resident marks with pink and yellow flags many of the areas of active agriculture in and in the immediate vicinity of the Lilac Hills Ranch project, There are more than 100 of them that range from small family businesses to major commercial agricultural enterprises. Following the map is a list the growers currently active in the area of Lilac Hills Ranch



Location	Agricultural Product	Owner/Business Name
1	Cactus	Britsch - Western Cactus
2	Avocados	Purdy
3	Lemons/Avocados	Covey Farms
4	Avocados	Accretive
5	Figs	Padilla Guadalupe
6	Cactus	Richard Thompson
7	Avocados	Accretive
8	JR Organic Farms (Produce)	Accretive
9	Flowers	
10	Avocados	
11	Proteas	Accretive
12	Worm Castings	
13	Flowers	LaChapelle
14	Avocados & Palms	
15	Wholesale Nursery & Green Houses	
16	Flowers	
17	Avocados	
18	Cactus	Far West
19	Cactus & greenhouses	Altman Plants
20	Avocado Groves (very large grove)	
21	Avocados & citrus	
22	Avocados (Calavo growers)	
23	Avocados	
24	Cactus & succulents	
25	Tropical Plants	Ben's Subtropicals
26	Proteas & Eucalyptus	
27	Greenhouse - succulents	
28	Flowers	
29	Avocados & citrus	
30	Organic Produce & Hydroponic G.H.	Archies Acres Farms
31	avocado	
32	palms (shade cloth greenhouses	
33	avocado/citrus	
34	citrus	
35	king palms	
36	avocados	
37	avocados	
38	succulents & green houses	
39	tangerines	
40	avocados	
41	citrus	
42	avocados	
43	avocados	
44	flowers	
45	JR Organic Farms (Produce)	

46	greenhouses	
47	avocado, citrus & flowers	
48	avocados	
49	avocados & kiwis	
50	avocados	
51	avocados	
52	avocados	
53	produce	
54	flowers	
55	avocados	
56	flowers	
57	produce	
58	avocados	
59	avocados	
60	avocados	Kamp Kuper Youth Retreat Ctr.
61	avocados	
62	pomegranates/avocados	
63	cactus/green houses	
64	Avocados/pomegranates/ loquats	
65	avocados	
66	avocados	
67	pomegranates	
68	palm nursery	
69	avocados	
70	avocados	
71	Wholesale Nursery	
72	Palm Nursery	
73	Eucalyptus	
74	avocados	
75	avocados	
76	avocados	
77	palm nursery	
78	green houses	Euro American
79	avocados	
80	avocados	
81	avocados	
82	avocados	
83	palm/cactus/ornamentals	Poncianos nursery
84	avocados	
85	avocados	
86	avocados	
87	avocados	
88	avocados	
89	avocados	
90	avocados	
91	avocados	
92	avocados	
93	quarry (rocks)	

94	avocados	
95	palm nursery	
96	orchids	Reids Orchids
97	flowers	
98	citrus	
99	citrus	
100	avocados	
101	Sunnataran Residence	Retreat

Twists of meaning and lack of clarity in the plan

As is apparent from what has already been presented, The Lilac Hills Ranch plan is not what it purports to be. Arguments the plan advances seem to assume that making an assertion gives it truth. They talk about “sustainability”, environmental sensitivity, being compatible with the surrounding community, preserving significant portions of the existing on site resources, being a LEEDS-ND community, being compatible with the San Diego County General Plan’s ten guiding principles. Close examination of what they actually intend to do makes it clear that what they say and what is actually planned are quite different.

For example, the Plan says, *“The overall objective is to provide an environmentally sensitive, residential community compatible with the character of the surrounding area while preserving significant portions of the existing on-site sensitive resources, including eighty-five percent of the wetlands in open space easements.”* (See p. 41, II-3) This statement is absurd given the degree to which the applicant intends to modify the environment and character of the area (from agricultural and natural to urban; from rolling hills and steep slopes to artificial contours; from one dwelling unit per 2,4, & 10 acres to as many as 8.8 dwelling units per acre.)

Quoting from the General Plan that “sustainability is a key theme” and making that a goal of the Project merely mouths the words without delivering a design that addresses sustainability for a rural, agricultural site.

They argue that adding 1746 homes and 5,000 residents to a rural back country area will improve traffic and they take as part of their planning for circulation, roads that they have no entitlement to use.

While the material that has been released indicates that there will be 1746 homes, there will also be 200 patient beds in the Assisted Living Facility—which will be *in addition to* the 1746 units. These beds will have a significant impact on traffic because of visitation, staff and deliveries.

They distort their claims when distortion is helpful to the argument. They claim, for example, that the project site is one-half mile from the I-15 without noting that

road construction along the route the crow flies is impossible because of a mountainous ridge which would make any road that accessed the I-15 *considerably* longer than ½ mile.

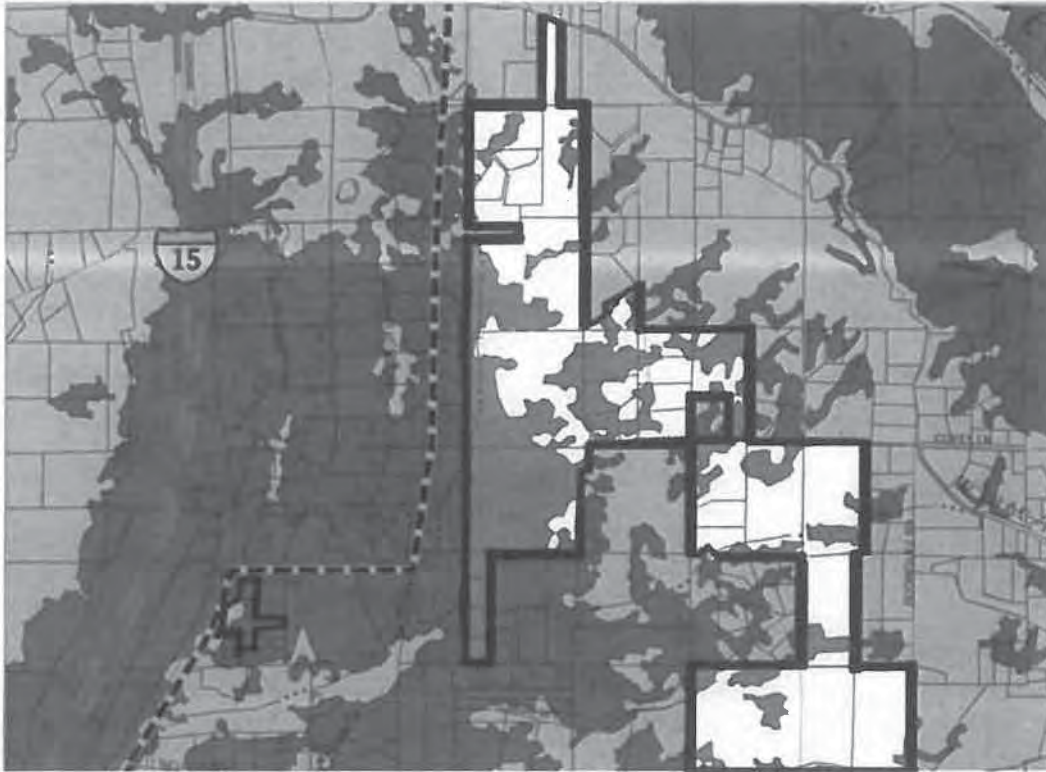
They talk about a “walkable village” when the site spreads over two square miles and requires three retail nodes in order to be even remotely walkable. The applicant has taken the position that such an oddly shaped and sized Project is “compact” and “efficient”. But this is merely the kind of false speak that attempts to misdirect attention from reality

The applicant is planning to build the entire infrastructure needed to support such a large and dense project because none of it presently exists, a condition that runs counter to the requirements of LEED 2009-ND and virtually all other serious green and sustainable building standards. Yet they claim to be LEEDS 2009 ND compliant.

The Project will generate only a small number of low paying retail jobs and the 75,000 square feet of commercial mixed use space will not meet the community’s shopping needs. The Project, counter to the assertions of Lilac Ranch Hills planners, distinctly does not encourage non-automobile mobility.

There are also problems with the slope calculations that are contained in the Specific Plan.

- **Land Use Plan** – As can be seen in the slope map below, the



assertion by the applicant that the Project site consists of “gentle topography” and that “97.6% of the property is less than 25 percent slope per the Resource Protection Ordinance (RPO) steep slope calculations” is incorrect and must be recalculated by County staff. Slopes that are mapped with 10 foot contours show many fewer 25% slopes than do County Standard slopes and this is exactly what Lilac Hills Ranch Planners have done.

Beyond concerns expressed here about what we have been told, there are issues of concern in the information that has yet to be supplied. We have mentioned the lack of a Traffic study, which is critical to understand the roads, but much else is missing. For example, we have not yet seen a Soils Report. There is the potential for blasting on the site that will last for an undetermined period of time (Will it be 6 days or 6 months?) Given that this area has granite rock, putting substantial amounts of silica into the air has serious health implications. The Soils Report will help determine the impact of moving 4.4 million cubic yards of material. It is important to identify the soil material, understand how it will be distributed, blasted or placed and to determine compliance with County Grading Standards.

How will grading be phased and balanced? Is imported material needed to complete the grading project? If so, what material will be brought to the site and where is it coming from? Letters of permission to grade appear to be identified but not yet obtained, which means final grading and impacts on adjoining

properties have not yet been identified and it is difficult to determine if changes will need to be made to the plans. We ask the applicant to provide grading plans to show finished grade elevations.

What is the life of the temporary sewer pump station and the end date of its use? Due to phasing, it is possible that the temporary sewer pump station and force main could be in place for years before a permanent facility is brought on-line and the temporary line removed. The Force Main sewer line is approximately 26,000 feet (5 miles) at a depth of 2 to 3 feet below existing grade. How does this relate to phased grading? How does this relate to open spaces and other sensitive areas etc.? The Valley Center Community Planning Groups asks that the County provide construction plans for the force main sewer line.

When will Sewer Treatment Facilities be built and in what phases? (Typically all must be installed and operating with finished roads before homes can be built). Answers to these concerns are important in that the force main could be in place for years before building a treatment facility. We should be able to see that treatment plant will be built in an appropriate phase and time.

How will migratory corridors be maintained? Please identify blue line streams, vernal pools and habitat.

Because of the Porter – Cologne Act (California State Water Control Protection Act) we are requesting the SWPPP (Storm Water Pollution Prevention Program) plan and an explanation of how it relates to all phases of development. We would also like to see plans for compliance with the Porter-Cologne Act, NPDES (National Pollution Discharge Elimination System), RWQCB, AQMD and SWPPP.

Please provide both wet and dry utility plans along with offsite and onsite plans and identify wells that will be used in conjunction with the wet utility plan.

Conclusion

This is the wrong location for this many homes.

It will create an urban traffic gridlock area. It will destroy agriculture and sensitive ecological habitats. It borders rural lands and is within 1 ½ miles of the Rancho Lilac Conservation Area recently purchased by the state of California for Habitat Destruction Mitigation.

The cost of providing infrastructure in this remote region with challenging topography is economically infeasible for the developer. In order for this development to proceed, it will require large public subsidies in the form of county sponsored long-term financing, infrastructure financing districts (IFD) or assessment districts (AD). These financing methods shift the cost of direct development impact to other area residents or to the county at large.

On page IV-12, Item 3 of the Specific Plan the applicant makes the statement that no one outside the development will pay for Lilac Hills Ranch infrastructure improvements. The applicant then enumerates an itemized request in Table 8 for a very large helping of public subsidies in this version of the Specific Plan, strongly telegraphing that this development is not economically feasible if the developer has to pay for his direct development impact

The proposed development is not in the best interests of the citizens of San Diego County.

Appendix A –Road Capacity- SANDAG Mixed Use Trip Generation Model V4 for Average Daily Trip (ADT) Generation

Section 3 - Trip Generation

		Quantity	Units	Trip Equation Method (if applicable)
NOTE: Be sure to enter only occupied units / spaces				
Residential				
	Estate, Urban or Rural		DU	
	Single Family Detached	1400	DU	
	Condominium	346	DU	
	Apartment		DU	
	Mobile Home (Family)		DU	
Retail				
	Super Regional Shopping Center		ksf	Average Rate
	Regional Shopping Center		ksf	Average Rate
	Community Shopping Center	85	ksf	
	Neighborhood Shopping Center		ksf	
	Specialty Retail / Strip Commercial	0	ksf	
	Supermarket		ksf	
	Drugstore		ksf	
	Bank with Drive-Thru		ksf	
	Discount Store		ksf	
Restaurant				
	Quality		ksf	
	Sit-down, High Turnover	0	ksf	
	Fast Food (With Drive-thru)		ksf	
	Fast Food (Without Drive-thru)	0	ksf	
	Delicatessen (7 AM - 4 PM)		ksf	
Office				
	Standard Commercial Office	0	ksf	Fitted Curve
	Large Commercial Office		ksf	Fitted Curve
	Office Park		ksf	
	Single Tenant Office		ksf	
	Corporate Headquarters		ksf	
	Government (Civic Center)		ksf	
	Post Office (Community, w/mail drop lane)		ksf	
	Medical-Dental		ksf	
Industrial				
	Industrial / Business Park (with commercial)		ksf	
	Industrial / Business Park (no commercial)		ksf	
	Industrial Plant		ksf	

	Manufacturing		ksf
	Warehousing		ksf
	Storage		ksf
	Science Research & Development		ksf
Lodging			
	Hotel (w/convention facilities, restaurant)	20	Occ. Room
	Motel		Occ. Room
	Resort Hotel		Occ. Room
Misc. Uses			
	Movie Theater	0	seat
	Religious Facility	7.5	ksf
	Gas Station (w/Food Mart and Car Wash)		Pump
	Hospital	20	Bed
	Convalescent / Nursing Facility	200	Bed
	Library		ksf
	Park (developed with meeting rooms and sports facilities)	25.5	acre
	Transit Station (Light Rail with Parking)		occupied pkg space
	Park & Ride Lot		occupied pkg space
Education			
	University	210	Student
	Junior College	125	Student
	High School	349	Student
	Middle / Junior High	165	Student
	Elementary	708	Student
	Day Care		Student
		Daily	AM Peak Hour
Trips from Land uses not covered above ==>		2860	0
Jobs in those Land Uses		0	0
		Daily	AM Peak Hour
Total "Raw" SANDAG Trip Generation Trips		31,442	2,460
			PM Peak Hour
			2,802

EXHIBIT 2

DEIR Public Comment Letter dated August 13, 2013 from Kevin K. Johnson APLC re:
Proposed Accretive Lilac Hills Ranch General Plan Amendment and Specific Plan
PDS2012-3800-12-001(GPA),PDS2012-3810-12-001 (SP)-**General Plan and
Community Plan Inconsistencies**

Valley Center Design Review Board

February 25, 2013

TO: Mark Slovick, Larry Hofreiter, Jarrett Ramaiya, Kristin Blackson, Beth Murray and Mark Wardlaw
San Diego Department of Planning & Development Services
CC: Oliver Smith, Ann Quinley, Steve Hutchison, Margarette Morgan
RE: **Accretive Investment Group's 2nd revised submission (02-13-13)**
GPA12-001, SP-001, Master Tentative Map 5571, Implementing Tentative Map 5572

Why is this applicant permitted to abuse the process?

Ordinarily we appreciate the opportunity to comment on projects that are being proposed for our community. We are accustomed to working closely and amicably with real estate developers, especially of Village projects, to develop plans that reflect the community's vision. We very much look forward to the completion of Village projects in Valley Center's central valley which have been planned for many years. This is the traditional heart of Valley Center where businesses, churches, schools, playing fields, and library are located, where very significant road infrastructure improvements were completed several years ago at a cost to the taxpayers of some \$50 Million, where wastewater treatment facilities are located and low-interest state loans have been secured for expansion. Here Village residential and commercial development will be welcomed.

In glaring contrast, we are deeply disturbed and alarmed by this project and this application. Review after review of a proposal that fails repeatedly to respond to previous comments seems to be a design to demoralize the staff and discourage community participation.

This project is a sad anomaly that continues to disappoint citizens who care deeply about our community. Though the applicants claim to have "worked with the community", in fact they have done whatever they can behind the scenes to undermine what state law defines as the "constitution of land use" and what tens of thousands of San Diego County citizens understand and depend upon as a kind of contract with our County government – our County General and Community Plans. These applicants share San Diego County with hundreds of thousands of citizens who are invested in the region's plans for the future and who benefit collectively by a common set of rules. What encourages and then allows this applicant to bull and bully its way past procedures that everyone else follows? From the get-go this applicant has gamed the system, disregarded the processes and products of public planning, misrepresented basic and essential facts, ignored input and correction. On and on it goes, seemingly endless deviations from standard protocols are tolerated. From the sudden appearance of a surprise Specific Plan Area on Valley Center's land use maps in 2008, through the Planning Commission's approval of the PAA application (against staff's recommendation AND contradicting the Commission's unanimous endorsement of the General Plan Update just weeks before), and now to this 2nd iteration – the review process has been corroded and frustrated. Why is this applicant permitted to abuse the standard process, and what will become of San Diego County when we all abuse the system similarly?

Concerning this submittal and the process:

Except for increasing commercial square footage (75K SF to 90K SF, increasing hotel beds (20-50) and adding kitchenettes to 200-units in the group home facility (more intensity, not less) and a few minor changes – this submission is unchanged from the previous submission and the one before that; and, again,

it is incomplete. This submission lacks details that have been requested in the past; it also lacks a letter from the applicant which, according to County protocol, is required to explain how the new submission addresses the Project Issue Checklist. (The Project issue Checklist is the 364 page document, prepared by the PDS staff and released in December 2012, which lists more than 1000 items that the applicant needs to address.) Without this letter one can only guess whether the applicant is misunderstanding, overlooking, ignoring, or merely defying the issues that have been raised several times already by staff and community groups.

Nevertheless, despite missing pieces, community groups have been given 30-days to review the material and submit comments to the County. At the same time, evidently, the applicant has been given a 60-day extension to submit the Project Issue letter and has submitted “some studies” for the staff to “preview”. Information about which studies have been submitted is not being made available to the community. Nor can anyone predict, obviously, how these will be assessed and what revisions may be requested by staff after they have been previewed. As a result of these considerable uncertainties, several of us suggested that formal community review should be delayed until the resubmission is complete rather than pushed forward with so many missing pieces. We were told accommodatingly that we could submit our comments anytime – but within 30-days if we wanted our comments to be included in staff’s comments. Given the infamous “one-bite policy” and the fact that this project threatens to set aside Valley Center’s entire community plan, volunteers who are reviewing this project on behalf of the community feel that we cannot risk being told in a few months that we had a chance to comment – and chose not to. So we are complying with the 30-day deadline even though compliance requires volunteers to drop everything, hold special meetings and respond immediately to yet another incomplete submission, and do it all over again in 60 days. All this is to accommodate an applicant who requires one extension after another, who is also unresponsive to staff and community comments and ignores County protocol.

This said, after reviewing the Specific Plan text and maps which show zero effort to remedy the project’s basic problems, it’s hard to imagine what a Project Issue Letter from this applicant might add (more frosting on a missing cake?) We will all have to wait for the long-anticipated “studies” to understand the substance of the applicant’s plan for this property. At this point, issues we raised in September 2012 and the previous June 2012 all remain unaddressed.

In addition to our previous concerns, which are attached, we emphasize the following:

SPECIFIC PLAN

The Specific Plan text is still riddled with wiggly information and assertions that are contradicted by the facts. This creates a confusing stew: information too vague and mutable to assess, indecipherable nonsense, and plain misrepresentations of the truth – all dangerous in a serious planning document. A Specific Plan is not a sales pitch. It is a proposal to amend and then to implement the San Diego County General Plan. This particular Specific Plan will govern the development of an entire new city of 5000-people. This proposal **DOUBLES** the growth planned between now and 2020 for the entire 55,000 acre planning area. According to SANDAG’s Regional Growth Forecast Valley Center adds 989 homes between 2010 and 2020. The Accretive project alone proposes twice that on just 608 acres: 1746 homes, a 50-bed hotel, a 200-unit (bedrooms & kitchenettes) group care facility and 90,000 SF commercial.)

Vague and inconsistent particulars are too numerous to list. As every reviewer has exclaimed, there is no definitive plan beyond the plan to explode the development potential of this rural area by more than 1800%. Design vignettes and “conceptual” layouts are meaningless substitutes for genuine design

standards and a commitment to a specific approach. Even unit allotments for each phase are subject to change. Virtually the entire “masterplan” is one concept that is subject-to-change laid over another concept that is subject-to-change. Nothing about this project is clear except the statement that this nebulous Specific Plan will prevail over every official County planning document. Processing should be halted until the Specific Plan is, at least, complete, factually correct and internally consistent. It is none of these.

The plan is laced with ludicrous claims, misrepresentations and outright inaccuracies, again too numerous to detail here. However, to assist the fact checkers, the whoppers are most pervasive in sections that pertain to community character, both the character of the proposal and the character of other properties in the area. Perhaps because “consistency” with legal planning documents and “compatibility” with existing and planned development on the ground is, one would hope, requisite for approval of this proposal, the applicant persists in these claims whether or not they make any sense. For example:

1. MIS-CHARACTERIZATION OF EXISTING SPECIFIC PLAN AREAS IN VALLEY CENTER

Page I-10, Section H, 1st paragraph

ASSERTION: *“the Valley Center planning area has a number of existing specific plans ... containing large scale urban development”*. This is not true. Specific Plans in VC have a minimum of 40% open space and, with the exception of a section of Orchard Run, are built or clustered at Semi-Rural densities. The VC Community Plan lists the facts of these 7 Specific Plans:

1. Lilac Ranch: permanent open space preservation
2. Circle R Resort: recreational community on 361 acres. Density 1 du:2ac clustered.
3. Live Oak Ranch: 307 acres. 40% preserved in open space. Clustered 1du:1ac minimum lot size
4. Ridge Ranch I: 138 acres, 25 homes. 1 du: 5acres
5. Ridge Ranch II: 687 acres, 108 homes. 1du: 6 acres
6. Woods Valley: Village golf course community on 437 acres. 40% preserved in open space. Clustered 1du:min 1/2 acre
7. Orchard Run: Village core community on 118 acres. Minimum 40% open space. Density from 1.5 du:ac to 7.3du:ac

2. MIS-CHARACTERIZATION OF SURROUNDING RESIDENTIAL DEVELOPMENT PATTERNS

Page I-10/11 2ND paragraph

The applicant claims that a Metroscan analysis *“documents a robust diversity of parcel sizes”* within a five mile radius of their site. This “study” misses the mark completely and comes to a preposterous conclusion that a drive through the area would reveal. The study overlooks hundreds of acres of open space that characterize the resort and recreational communities along Old 395. These are not spot-zoned urban enclaves as the applicant’s study mis-concludes, but are mainly recreational destinations that advertise their country settings, recreational amenities, wildlife and so forth.

1. Circle R Resort: recreational community on 361 acres. 118-acre golf course. Homes clustered. Underlying density 1 du: 2 acres.
2. Lawrence Welk Resort: vacation resort on 600-plus acres. 326 vacation villas. Two 18-hole golf courses, 8 swimming pools, 5 recreational areas, small retail area to serve vacationing guests.
3. Champagne Lakes RV Resort: RV vacation resort on 50 acres. RV campsites. The resort website says, “The resort is 50 acres of nature and wildlife preserve with 3 lakes that are fed by the local mountain streams. Wild ducks and geese have made these lakes their homes for over 40 years.”
4. Lake Rancho Viejo, which IS a Fallbrook CPA residential community on 469 acres, allows an overall density of 1.48 dus:ac. Flood plain and uplands are preserved open space.

3. MISCHARACTERIZATION OF THEIR OWN PROJECT

Assertions about their project are not supported and, in many cases, are contradicted by the applicant's own plan. For example: The assertion that "natural landforms remain" is ludicrous when 4 MILLION cubic yards will be graded, and 20% of that blasted. (For comparison, 4,000,000 cubic yards of dirt is just shy of the amount of concrete in Hoover Dam, enough to build a 2 lane road from Seattle, Washington to Miami, Florida or a 4 ft. wide sidewalk around the Earth at the Equator.) Nothing could be less "natural" than grading and compacting 80% of the site, creating 20-30-foot cut/fill slopes (two and three stories high!) and lining streets with row upon row of identical symmetrical lots.

More than 80% of the site will be bulldozed, blasted, stripped of organic material, compacted and covered solidly by development; the narrow ribbons of biological open space (less than 20% of the property) that lace through the blasted, bulldozed "natural contours" will be massively impacted: 265 acres will be covered in home sites, 75 acres in "manufactured slopes", 83 acres in asphalt, 40 acres in facilities, a mere 23 acres in parks (see #4).

This is a from-scratch city with MORE HOMES, PEOPLE AND CARS than the City of Del Mar on HALF THE LAND AREA. (City Data: Del Mar: 1.8 square miles, population 4224. The Accretive project: .95 square mile, population 5063.) The project is NOT in accord with the General Plan Community Development Model as the applicant claims. Quite to the contrary, the project defies the General Plan and corrodes its integrity. The applicants propose to explode a 608-acre city in the middle of the rural countryside without adequate feathering or buffering to soften impacts on neighboring farms, rural estates or even biologically sensitive creek beds.

The site is NOT COMPACT, as the applicant claims. It stretches two miles in each direction, with some 8 miles of edge effects. The project is NOT WALK-ABLE, the sprawling configuration of the Accretive site requires the design of three separate Town Centers to justify the contention that this is a pedestrian community; it is an automobile-dependant community. The project quite obviously does NOT meet the most basic location criteria for LEED Neighborhood Development. This is NOT an in-fill site with existing infrastructure; this is a rural site. Building 1746 homes here quite obviously does NOT reduce the need to build and operate new road networks, emergency and law enforcement facilities, libraries, schools, parks and other public services; it CREATES the need to build all of these on green fields that are many miles from jobs, transit, shopping, churches, movie theaters and other accoutrements to support a population of this size. The project does NOT reduce development impacts or reduce traffic trips; it creates devastating impacts and adds thousands of cars to rural roads. The site plan does NOT integrate development into the natural features of the property; it obliterates the natural features of the property. Moreover this project's edge effects will cause the destruction of about 2000 acres of rugged, remote and rural property where hundreds of families have invested in a rural quality of life.

Absolutely NOTHING of the natural site or the rural lifestyles of the people who live there will remain. The applicant needs to quit claiming otherwise. The project requires extremely significant amendments to the General Plan and to the Valley Center and Bonsall Community Plans because it completely overturns these public visions. Period.

4. PARK AREA FAILS TO MEET THE COUNTY STANDARD

The County standard for parks per 1000 residents is 10 acres of local parks, and 15 acres of regional parks. This project seems to provide 23 acres for 5063 people, less than half than the standard, and in an area where very dense development requires MORE parks, not less. Phase 1 of this project (350

houses/1000 people on 62 acres) requires 10 acres of parks, it has 3.2 acres; Phase 2 (466 houses/1351 people on 36.3 acres) requires about 15 acres of parks, it has 3 acres ... and so forth.

A point quite minor in the context of everything else: there are no proposed tree/plant species listed for "Parks" in either the Conceptual Landscape plan or the specific plan text, even though there are symbols and a proposed layout.

5. PREEMINENCE OF THE COUNTY GENERAL PLAN

The Specific Plan states on page II-2 that, in the case of conflicts or discrepancies between the Accretive project Specific Plan and the County's General Plan, the Valley Center and Bonsall Community Plans, and County development regulations and zoning standards, the Accretive Specific Plan will prevail. State law requires consistency across these documents, there should be no "conflicts or discrepancies". A Specific Plan is required by law to implement the General Plan and Community Plans, and cannot "prevail" over them. This language should be revised for its inconsistency with state law while the entire Specific Plan should be purged of marketing braggadocio and revised as a serious planning document to reflect its proper place in the hierarchy of legal planning documents.

6. AUTHORITY OF VALLEY CENTER DESIGN REVIEW

References to the "authority" of Valley Center Design Review are splayed through the Specific Plan, most prominently in Section III. We believe that this Village project is subject in its entirety to Valley Center Design Review and Valley Center's Design Guidelines based upon the information in the Introduction of the Guidelines themselves, the content of the booklet overall and the fact that the VC Design Review Board has reviewed every commercial, industrial and residential project that has been proposed for the North and South Villages. We have worked closely with developers of these areas for more than ten years. Although residential development on Semi-Rural and Rural parcels outside our "Country Town" (now called "Village") area is NOT subject to Design Review, planned residential development proposed for our Village areas has always participated in design review in accord with our understanding that Village design is the intended focus of the County design review program.

The Specific Plan text also asserts or implies in several places in Section III that Valley Center's Design Guidelines will also be replaced by the applicant's Specific Plan. This applicant's Specific Plan requires considerably more attention to design, and more elaboration of standards for this particular project, for this Specific Plan to merit authority. The entire planning and design community recognizes the importance of forethought and thoughtful design to the functioning of even the tiniest place, let alone an entirely new city. Again, the content of this Specific Plan is severely inadequate to perform this responsibility.

Our previous comments still apply and are attached.

Respectfully,
Lael Montgomery
Robson Splane
Susan Moore
Jeff Herr
Keith Robertson

Valley Center Design Review Board

October 15, 2012

TO: Mark Slovick, Jarrett Ramaiya, Rich Grunow, Mark Wardlaw
San Diego Department of Planning & Development Services
RE: **Accretive Investment Group revised submission (09-25-12)**
GPA12-001, SP-001 Master Tentative Map 5571, Implementing Tentative Map 5572 and respective grading plans.

The Valley Center Design Review Board met on October 9, 2012 to again discuss Accretive Investment Group's proposal for the West Lilac triangle in light of September's revised submission. We were disappointed that neither the applicant nor the political consultant, Chris Brown, attended the meeting because the DRB Chair had expressly invited Chris Brown to present the revisions.

Comments Focus on Macro Planning Issues:

The revised submission fails to remedy the basic problems with the proposal which we addressed in our comments of June 14, 2012, which are attached below. Therefore, our comments continue to focus on macro development issues.

- 1) This is still an urban project in a rural area.
- 2) The proposal fails in the same basic and essential ways as the previous submission to respect Valley Center's rural character and its most fundamental design principles.
- 3) New sections describing lot, architectural and landscape design follow the same pattern.
For example:
 - a. "Conceptual Architectural Elevations" shown are generic in nature and have no relevance to the site, its surroundings or to the community in general. Pages 25-37 of the Valley Center Design Guidelines specifically incorporate the design principles of Early California Architecture which reflect the character of the state's early missions and adobes. None of the proposed elevations reflect any of these design principles.
 - b. Lot designs, also generic and out-of-context, ignore both spirit and letter of Valley's Center Guidelines and depict exactly the monotonous development that Valley Center wants to avoid.
 - c. Landscape design is uniform and urban; species selected are ill-advised in some cases for particular locations (eg. fruit trees for road edges and medians) and in other cases for Valley Center microclimates.
 - d. The proposal further ignores requirements for private open space in accordance with the County of San Diego Zoning Ordinance Section 4915: a minimum of 200 square feet per dwelling. Further, the design recommendations call for private open space on the ground to be a minimum of 10 feet in length and width and should be screened from public view by landscaping, a wall, privacy fence or other acceptable method. None of the proposed configurations meet this requirement.
- 4) The proposal provides no evidence that the project is necessary: the new County General Plan already accommodates more growth than SANDAG projects for 2030. There is no demonstrated need for increasing the capacity of the new GP by building a new city many miles from existing infrastructure and services. The proposal fails to justify a change of GP Regional Category from the largest SEMI RURAL parcels (SR-10 and SR-4) to VILLAGE densities as high as 27 dwellings per acre; a 1587% increase in dwelling units (from a total of 110 units allowed under the current GP to 1746).

- 5) The Master Planning approach avoids showing the locations and relationships of residential lots, interior streets and other elements of the site design. This also avoids revelation of site development issues that should deeply concern decision-makers as they consider such extreme and precedent-setting transformation of this rural property. Out-of-sight = out-of-mind looks to be an overall strategy for this application.
- 6) The Master Planning approach coupled with GP Policy LU-1.8 (which the applicant cites to argue that densities can be transferred across land use designation boundaries) make the entire proposal, first, too vague and, second, too mutable to take seriously. This application is a one-way street that asks unprecedented density increases for – what exactly? What IS specific about this Specific Plan?
- 7) The applicant's political consultant insists that "Master Planning happens all the time" and that this project is "the same as the 4-S Ranch project". However, fundamental differences are obvious: the 4-S Ranch project was CONSISTENT with General Plan Regional Categories, Goals and Policies, and Land Use, Mobility and Conservation Elements. 4-S Ranch was inside the existing Current Urban Development Area (CUDA). This urban project proposes -- for the sole benefit of a single private real estate speculator/developer -- profound revisions of County public planning policy as well as the complete transformation of the rugged and rural countryside.
- 8) **The proposal is riddled with Orwellian "doublethink" and other convoluted logic.** (Orwell defines "doublethink" as accepting two mutually contradictory ideas or beliefs at the same time).
A few examples are:
 - a. destroying agriculture conserves agriculture;
 - b. adding 1746 homes/ 5000 residents to back-country roads improves traffic;
 - c. "compact" urban development of this rural area allows for increased open space and natural habitat;
 - d. grading 4 million cubic yards of dirt respects natural landforms and preserves natural resources;
 - e. pronouncing the Accretive site a "Smart Location" under the LEED ND Certification Program when the project will actually *BUILD* the "Nearby Neighborhood Assets" that LEED ND certification requires as a pre-requisite. (By this logic LEED ND criteria can be manipulated to justify urban development of any Semi-Rural location.)
 - f. insisting that the Accretive GPA/SPA is in accord with the GP Community Development Model simply because their context-free development plan is a New Urbanist design. (Again, by this logic, new cities can be plopped into any Semi-Rural or Rural area – NOT what most stakeholders believed was the intention of the new San Diego County General Plan.)
 - g. *(And, incredibly for a GP Amendment that seeks to overturn the last 12 years of work on the parts of hundreds of planners, residents, and property owners to create the new San Diego County General Plan) ... calling on "General Plan Consistency" to declare that Valley Center and Bonsall Community Plans cannot be allowed to interfere with the applicant's audacious ambitions to re-write them!*
- 9) **The proposal is also rife with errors, distortions and/or misrepresentations.**
A few examples are:
 - a. Claiming that Lilac Ranch and Circle R both are consistent with the proposal's Village densities. Both are, in fact, inconsistent. Lilac Ranch is permanent conservation land and Circle R is a CLUSTERED Semi-Rural project (underlying residential density is 1du:2 acres);
 - b. Slopes mapped with 10-foot contours reveal significantly less coverage in 25% slopes than County standard contours;
 - c. Claiming that the project site is ½ mile from the I-15 without citing that road construction along the route the crow flies is prohibited by a mountainous ridge;

- d. Touting “walkable” design when the project site jigs and jags across two square miles and requires three retail nodes in order to claim “walk-ability.” More than half the homes, including Senior and Assisted Living neighborhoods, are a mile and a half from the Village Core. This is an automobile-dependent community.
- e. Asserting “compact development” when edge-effects of this sprawling configuration impact adjacent rural properties for a distance of some 8 miles.
- f. Extolling “planning collaboration” with the Valley Center community. This is an overreach that abandons reality in order to invent points toward LEED ND certification. For several years the Accretive Investors have held, not community meetings by any stretch of the term, but closed “private” meetings with cherry-picked supporters. Meetings have pointedly excluded, sometimes disinvited, folks who have voiced opposition to the project, particularly those people who are most familiar with County planning history and the rationale underlying the new General and Community Plans.

Contained in the 82-pages of the Valley Center Design Guidelines are numerous diagrams and sketches, as well as lengthy descriptive copy that make all of these points, and others, quite clear. The Design Guidelines themselves are meant to work together to produce an integrated, whole objective. They cannot be cherry-picked and also produce their intent.

As in any “design”, success is a result of combining the right design elements in the right way – in the right place. This project appears off the mark on all counts.

Our comments dated June 14, 2012 continue to apply. Please refer to them, beginning on the next page.

The Valley Center Design Review Board
Lael Montgomery, Chair
Jeff Herr
Susan Moore
Keith Robertson
Robson Splane

Valley Center Design Review Board

June 14, 2012

TO: Mark Slovick, Rich Grunow, Jarrett Ramaiya, Jeff Murphy
San Diego Department of Planning and Development
RE: **Accretive Investment Group GPA 12-001, SP 12-001, Master Tentative Map 5571,
Implementing Tentative Map 5572 and respective Grading Plans**

1. Insufficient Detail

The applicant has submitted maps and documents that lack sufficient detail for the group to understand any the development plan for this property. Further, there has been no presentation of the project by the applicant; as a result the most basic facts of the development plan remain murky.

The applicant has filed this GPA/SPA much earlier in the project-development process than developers who have co-developed their plans through community meetings before filing a GPA or an SPA. Therefore, we are accustomed at the point of application to having much greater familiarity with a project, and to the provision in the application documents of considerably more detail.

Neither the DRB nor the Planning Group has worked with this applicant in the way we have worked with the developers of the North and South Village where the land uses proposed have been in accord with the community plan, which is not the case with this project. We received a copy of the Specific Plan Text on Tuesday 6/5/12. Chris Brown encouraged the group to take more time with our review and comments on the text. (He said he is requesting an additional 30-45 days from the County.) However, from a cursory reading, the SP Text fails to provide sufficient additional substantive information to warrant any delay.

Considerably more detail about the overall development plan is necessary. We understand from the County planner, Mark Slovick, and from the developer's consultant, Chris Brown, that there will be revised iterations of the project. More detailed comments will come in response to more detailed plans.

2. Focus of Comments.

Our comments at this time are focused in areas which are pre-requisite for any development proposal to meet Valley Center's community character objectives.

3. Project Undermines the Vision for VC.

DRB members believe that this project fails in basic and essential ways to respect Valley Center's rural character and its most fundamental design principles. If approved, this General Plan Amendment would upzone this property by about 2000% to allow 1746 dwellings and three commercial areas. The Regional Category would change to Village from its recently-approved GP Regional Category of Semi-Rural which allows approximately 350 homes on 2, 4 and 10 dwellings per acre.

The imposition of an artificial "village" in Valley Center's rural countryside dismantles the community's recently-approved Community plan. County planners along with Valley Center residents, property owners and developers have invested hundreds of hours, and extensive public and private resources to create the VC Community Plan, and to plan the private Village development to support it. This work was approved by

the Board less than a year ago. VC's plan is a two-part growth strategy: first, 25% of the future growth is compact "infill" development of two existing Village "nodes" in the central valley along Valley Center Rd; second, residential density feathers from the village core to Semi-Rural and Rural designations in remote, hilly, fire-prone areas to the east, north and west. These "green-field" areas, in accord with principles of the new General Plan, also "buffer" the community from adjacent communities. This is a classic "Smart Growth" plan, it concentrates intense development in the Village area which has evolved over the last 150 years as the business "crossroads" of Valley Center, as has been the formal intention since the first community plan of the 1960s, and it retains existing larger parcels for agriculture, horticulture and animal husbandry that have historically characterized Valley Center.

This faux Village both undermines the plan to attract new businesses and residential vibrancy to existing genuine Village areas AND destroys greenfields, as well.

The following comments refer directly to particular VC Design Guidelines. We have not re-typed the Guidelines here. Please refer to the pages that are cited below.

4. P 3. The Purpose of Design Review

Comment: The proposed project fails to consider the community context in which it takes place, and fails to make an effort to develop a compatible relationship to the natural setting, neighboring properties and community design goals.

5. P4/10 Community Design Objectives

Comment: The proposal ignores the most fundamental of Valley Center's Design Objectives, which is to PRESERVE NATURAL FEATURES and OPEN SPACES. For starters, the project will move 4.4 MILLION cubic yards of dirt on 608 acres. Do the math. There are 3,291,200 square yards in 608 acres. This means *the project will move more 1 ¼ cubic yard of dirt for every square yard of the property.* Natural land forms, vegetation and wildlife will all be obliterated.

This development plan completely disregards Valley Center's "strong requirements for the protection of existing natural features (that are) provided in the Design Guidelines for new development" (among them) 'special measures to preserve oaks and sycamore trees, significant resources that contribute to the character of the valley and the community.' The applicant should address how grading, scraping and denuding what looks to be at least 80% of the site reconciles with being sensitive to the natural environment?

6. P16. Site Analysis

Comment: No site analysis has been submitted. The site design process should begin with a thorough analysis of the site.

7. P17. Site Design Concept

Comment: General Criteria 1 and 2: There is no evident effort for the project design to comply at all with these criteria. The project ignores the rural residential character of the area, and destroys all of its natural features. As for General Criteria 3 and 4, the application does not include enough detail to determine anything about the internal integrity of the project. We will say, however, the pre-requisite site location issues make internal design details quite irrelevant. All of its failures to comply with the community's design objectives are rooted in this basic incompatibility of locating urban development in a rural area.

8. P18-22. Protection of Natural Features (to include Oaks and Sycamores)

The Guidelines state, "All development proposals shall demonstrate a diligent effort to retain existing natural features characteristic of the community's landscape. Existing topography and land forms, drainage courses, rock outcroppings, vegetation and views shall be recorded in the Site Analysis and incorporate, to the maximum extent feasible, into the future development of the land." See pp. 18-19 items A-H, all numbers under each item, noting the general rule, the "hand of man" is to be felt lightly", And pp. 20-22 about mature tree preservation and handling.

Comment: No effort evident. How much of the natural environment will be left... out of how much destroyed? How many trees? Rock outcroppings? Natural canyons? Hilltops? And so forth.

9. P26-35. Architectural Character and Compact Building Groups

Comment. Chapters 5 and 6 in Part III of VC's Design Guidelines address the array of requisite site planning and architectural approaches, and the ways these elements of design must be combined in order to produce Village development that aligns with historic patterns. Based both on the Master and the Implementing Tentative Map and Grading Plans, the Accretive plan for Village housing shows hyper-conventional suburban sprawl, little rectangular lots lined up cheek-to-jowl like rows of teeth on both sides of every road, obscuring from view the very countryside the plan claims to celebrate.

The Specific Plan Text for this project waxes rhapsodically about "Italian Hill Villages" that bear no resemblance to Accretive's development plan for this property. Italian hill villages are characterized, first and foremost, by their location at authentic "crossroads" and their gradual development to meet the authentic needs of the surrounding authentic community; and are further characterized by their irregularity and by the charm of a built environment arranged around the natural environment. The Accretive project is a rote suburban tract overbuilt to urban densities, sprawled across remote, roadless greenfields.

Nothing but a complete revision of this plan would hope to achieve what the Guidelines or the Specific Plan Text for this project describes.

Italian hill villages are characterized by their locations at authentic well-travelled "cross-roads", by the charms of irregularity and diversity, and by the arrangement of the built environment around the beauty of the natural landscape.



The Accretive plan imposes a monotonous sprawling geometric sameness on a contrived cut and filled landscape in a remote location. Below is a photograph of this developer's San Elijo project that shows cuts in landscape similar to their plan for West Lilac.



10. P67. Hillside Development

Comment: The applicant's development plan will destroy the natural topography in this area and "re-grade" the land. The applicant's consultant asserts that that "contour grading" of home sites -- so that each little

geometric rectangle is a few feet higher or lower than its immediate neighbor -- is the same as retaining the natural organic land forms. This is a ludicrous assertion that demonstrates the extreme extent to which this proposal contradicts the most basic concepts of rural design.

11. Landscape Concept

Susan Moore's Comments: The master TM lacks sufficient detail for a thorough review. However, from the documents that have been submitted, I can make the following comments. In my opinion, following the lot design as it does, the landscape plan is also an urban concept that needs to be completely re-done to be compatible with the property's rural surrounds. To create the "natural" character of Valley Center requires an organic, asymmetrical landscape design.

As for plant material, there are too few species; diversity (of trees, shrubs and ground covers) needs to be much greater. Several specified trees will not grow well in our zone generally and will definitely not succeed in Valley Center's colder micro-climates. Another is an allelopathic variety (suppresses growth of different plants other than itself due to release of toxic substances) tree listed for medians/entries where other plants are listed. Trees listed for the medians will not grow due to conditions that characterize road medians. "Grove" trees will not thrive in road median conditions and will be messy for automobiles and pedestrians. Fruit-producers are typically specified AWAY from streets and sidewalks where human activity is present.

Contained in the 82-pages of the Valley Center Design Guidelines are numerous diagrams and sketches, as well as lengthy descriptive copy that make all of these points, and others, quite clear. The Design Guidelines themselves are meant to work together to produce an integrated, whole objective. They cannot be cherry-picked and also produce their intent.

As in any "design", success is a result of combining the right design elements in the right way – in the right place. This project appears off the mark on all counts.

The Valley Center Design Review Board
Lael Montgomery, Chair
Jeff Herr
Susan Moore
Keith Robertson
Robson Splane

EXHIBIT 3

DEIR Public Comment Letter dated August 13, 2013 from Kevin K. Johnson APLC re:
Proposed Accretive Lilac Hills Ranch General Plan Amendment and Specific Plan
PDS2012-3800-12-001(GPA),PDS2012-3810-12-001 (SP)-**General Plan and
Community Plan Inconsistencies**

LEED 2009 ^{FOR} NEIGHBORHOOD DEVELOPMENT

For Public Use and Display

LEED 2009 for Neighborhood Development Rating System

**Created by the Congress for the New Urbanism, Natural Resources
Defense Council, and the U.S. Green Building Council**

(Updated October 2012)



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The Congress for the New Urbanism and the Natural Resources Defense Council collaborated with the U.S. Green Building Council in creating the LEED for Neighborhood Development Rating System. USGBC's consensus-focused approach to rating system development was furthered by these organizations' expertise in New Urbanism and smart growth strategies.

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ACKNOWLEDGMENTS

The LEED 2009 for Neighborhood Development Rating System has been made possible only through the efforts of many dedicated volunteers, staff members from USGBC and the two partner organizations, consultants, and others in the USGBC community. The rating system development work was managed and implemented by USGBC staff and the LEED for Neighborhood Development Core Committee and included review and input by many Technical Advisory Group (TAG) members with oversight by the LEED Steering Committee. We extend our deepest gratitude to all of our LEED committee members who participated in the development of this rating system, and especially the LEED for Neighborhood Development Core Committee, for their tireless volunteer efforts and support of USGBC's mission:

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The LEED 2009 for Neighborhood Development Rating System is the work of members of the LEED for Neighborhood Development Core Committee, both those who have worked on this version and those who helped create previous versions. In addition, staff would like to thank Criterion Planners, Urban Advantage, and AECOM for the graphics.

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LEED 2009 FOR NEIGHBORHOOD DEVELOPMENT PROJECT CHECKLIST

Smart Location and Linkage

27 possible points

<input checked="" type="checkbox"/>	Prerequisite 1	Smart Location	Required
<input checked="" type="checkbox"/>	Prerequisite 2	Imperiled Species and Ecological Communities	Required
<input checked="" type="checkbox"/>	Prerequisite 3	Wetland and Water Body Conservation	Required
<input checked="" type="checkbox"/>	Prerequisite 4	Agricultural Land Conservation	Required
<input checked="" type="checkbox"/>	Prerequisite 5	Floodplain Avoidance	Required
<input type="checkbox"/>	Credit 1	Preferred Locations	10
<input type="checkbox"/>	Credit 2	Brownfield Redevelopment	2
<input type="checkbox"/>	Credit 3	Locations with Reduced Automobile Dependence	7
<input type="checkbox"/>	Credit 4	Bicycle Network and Storage	1
<input type="checkbox"/>	Credit 5	Housing and Jobs Proximity	3
<input type="checkbox"/>	Credit 6	Steep Slope Protection	1
<input type="checkbox"/>	Credit 7	Site Design for Habitat or Wetland and Water Body Conservation	1
<input type="checkbox"/>	Credit 8	Restoration of Habitat or Wetlands and Water Bodies	1
<input type="checkbox"/>	Credit 9	Long-Term Conservation Management of Habitat or Wetlands and Water Bodies	1

Neighborhood Pattern and Design

44 possible points

<input checked="" type="checkbox"/>	Prerequisite 1	Walkable Streets	Required
<input checked="" type="checkbox"/>	Prerequisite 2	Compact Development	Required
<input checked="" type="checkbox"/>	Prerequisite 3	Connected and Open Community	Required
<input type="checkbox"/>	Credit 1	Walkable Streets	12
<input type="checkbox"/>	Credit 2	Compact Development	6
<input type="checkbox"/>	Credit 3	Mixed-Use Neighborhood Centers	4
<input type="checkbox"/>	Credit 4	Mixed-Income Diverse Communities	7
<input type="checkbox"/>	Credit 5	Reduced Parking Footprint	1
<input type="checkbox"/>	Credit 6	Street Network	2
<input type="checkbox"/>	Credit 7	Transit Facilities	1
<input type="checkbox"/>	Credit 8	Transportation Demand Management	2
<input type="checkbox"/>	Credit 9	Access to Civic and Public Spaces	1
<input type="checkbox"/>	Credit 10	Access to Recreation Facilities	1
<input type="checkbox"/>	Credit 11	Visitability and Universal Design	1
<input type="checkbox"/>	Credit 12	Community Outreach and Involvement	2
<input type="checkbox"/>	Credit 13	Local Food Production	1
<input type="checkbox"/>	Credit 14	Tree-Lined and Shaded Streets	2
<input type="checkbox"/>	Credit 15	Neighborhood Schools	1

Green Infrastructure and Buildings

29 possible points

<input checked="" type="checkbox"/>	Prerequisite 1	Certified Green Building	Required
<input checked="" type="checkbox"/>	Prerequisite 2	Minimum Building Energy Efficiency	Required
<input checked="" type="checkbox"/>	Prerequisite 3	Minimum Building Water Efficiency	Required
<input checked="" type="checkbox"/>	Prerequisite 4	Construction Activity Pollution Prevention	Required

<input type="checkbox"/>	Credit 1	Certified Green Buildings	5
<input type="checkbox"/>	Credit 2	Building Energy Efficiency	2
<input type="checkbox"/>	Credit 3	Building Water Efficiency	1
<input type="checkbox"/>	Credit 4	Water-Efficient Landscaping	1
<input type="checkbox"/>	Credit 5	Existing Building Reuse	1
<input type="checkbox"/>	Credit 6	Historic Resource Preservation and Adaptive Use	1
<input type="checkbox"/>	Credit 7	Minimized Site Disturbance in Design and Construction	1
<input type="checkbox"/>	Credit 8	Stormwater Management	4
<input type="checkbox"/>	Credit 9	Heat Island Reduction	1
<input type="checkbox"/>	Credit 10	Solar Orientation	1
<input type="checkbox"/>	Credit 11	On-Site Renewable Energy Sources	3
<input type="checkbox"/>	Credit 12	District Heating and Cooling	2
<input type="checkbox"/>	Credit 13	Infrastructure Energy Efficiency	1
<input type="checkbox"/>	Credit 14	Wastewater Management	2
<input type="checkbox"/>	Credit 15	Recycled Content in Infrastructure	1
<input type="checkbox"/>	Credit 16	Solid Waste Management Infrastructure	1
<input type="checkbox"/>	Credit 17	Light Pollution Reduction	1

Innovation and Design Process

6 possible points

<input type="checkbox"/>	Credit 1	Innovation and Exemplary Performance	1–5
<input type="checkbox"/>	Credit 2	LEED® Accredited Professional	1

Regional Priority Credit

4 possible points

<input type="checkbox"/>	Credit 1	Regional Priority	1–4
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LEED 2009 for Neighborhood Development Certification Levels

100 base points plus 6 possible Innovation and Design Process and 4 possible Regional Priority Credit points

Certified	40–49 points
Silver	50–59 points
Gold	60–79 points
Platinum	80 points and above

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INTRODUCTION

I. THE CASE FOR GREEN NEIGHBORHOOD DEVELOPMENTS

As the U.S. population continues to expand rapidly, consumption of land grows exponentially—currently, three times the rate of population growth. At this breathtaking pace, two-thirds of the development on the ground in 2050 will be built between now and then.¹ The way we grow—especially how and where we grow—will have a profound effect on our planet and on us.

Land use and neighborhood design patterns create a particular physical reality and compel behaviors that have a significant effect on the environmental performance of a given place. Segregated land uses accessed by high-speed roadways that necessitate the use of cars have been the predominant development pattern over the past 50 years. In the United States, transportation accounts for roughly one-third of greenhouse gas emissions, a large portion of which can be attributed to personal automobile use.² Burning fossil fuels for transportation increases air pollution and related respiratory diseases. Automobile-oriented neighborhoods tend to be hostile to pedestrians and unsupportive of traditional mixed-use neighborhood centers. Sprawling development patterns fragment habitat, endanger sensitive land and water bodies, destroy precious farmland, and increase the burden on municipal infrastructure.

In contrast, by placing residences and jobs proximate to each other, thoughtful neighborhood planning and development can limit automobile trips and the associated greenhouse gas emissions. Mixed-use development and walkable streets encourage walking, bicycling, and public transportation for daily errands and commuting. Environmentally responsible buildings and infrastructure are an important component of any green neighborhood, further reducing greenhouse gas emissions by decreasing energy consumption. Green buildings and infrastructure also lessen negative consequences for water resources, air quality, and natural resource consumption.

Green neighborhood developments are beneficial to the community and the individual as well as the environment. The character of a neighborhood, including its streets, homes, workplaces, shops, and public spaces, significantly affects the quality of life. Green neighborhood developments enable a wide variety of residents to be part of the community by including housing of varying types and price ranges. Green developments respect historical resources and the existing community fabric; they preserve open space and encourage access to parks. Green buildings, community gardens, and streets and public spaces that encourage physical activity are beneficial for public health. Combine the substantial environmental and social benefits and the case for green neighborhoods makes itself.

II. LEED® RATING SYSTEMS

Background on LEED®

Following the formation of the U.S. Green Building Council (USGBC) in 1993, the organization's members quickly realized that the sustainable building industry needed a system to define and measure "green buildings." USGBC began to research existing green building metrics and rating systems. Less than a year after formation, the members acted on the initial findings by establishing a committee to focus solely on this topic. The composition of the committee was diverse; it included architects, real estate agents, a building owner, a lawyer, an environmentalist, and

1 Reid Ewing, Keith Bartholomew, Steve Winkelman, Jerry Walters, and Don Chen, *Growing Cooler: The Evidence on Urban Development and Climate Change* (Washington, D.C.: Urban Land Institute, 2008).

2 "Greenhouse Gases, Climate Change, and Energy" (Energy Information Administration, May 2008).

industry representatives. This cross section of people and professions added a richness and depth both to the process and to the ultimate product, the Leadership in Energy and Environmental Design (LEED) certification system.

The first LEED Pilot Project Program, also referred to as LEED Version 1.0, was launched at the USGBC Membership Summit in August 1998. After extensive modifications, LEED Green Building Rating System Version 2.0 was released in March 2000, with LEED Version 2.1 following in 2002 and LEED Version 2.2 following in 2005.

As LEED has evolved and matured, the program has undertaken new initiatives. In addition to a rating system specifically devoted to building operational and maintenance issues (LEED for Existing Buildings: Operations & Maintenance), LEED addresses the different project development and delivery processes that exist in the U.S. building design and construction market, through rating systems for specific building typologies, sectors, and project scopes: LEED for Core & Shell, LEED for New Construction, LEED for Schools, LEED for Retail, LEED for Healthcare, LEED for Homes, and LEED for Commercial Interiors. LEED for Neighborhood Development is the latest LEED certification system to be released.

The green building and neighborhood development field is growing and changing daily. New technologies and products are being introduced into the marketplace, and innovative designs and practices are proving their effectiveness. The LEED rating systems and reference guides will evolve as well. Project teams must comply with the version of the rating system that is current at the time of their registration. USGBC will highlight new developments on its website on a continual basis, at www.usgbc.org.

Background on LEED for Neighborhood Development

The U.S. Green Building Council (USGBC), the Congress for the New Urbanism (CNU), and the Natural Resources Defense Council (NRDC)—organizations that represent leading design professionals, progressive builders and developers, and the environmental community—have come together to develop a rating system for neighborhood planning and development based on the combined principles of smart growth, New Urbanism, and green infrastructure and building. The goal of this partnership is to establish a national leadership standard for assessing and rewarding environmentally superior green neighborhood development practices within the framework of the LEED® Green Building Rating System™.

Unlike other LEED rating systems, which focus primarily on green building practices and offer only a few credits for site selection and design, LEED for Neighborhood Development places emphasis on the site selection, design, and construction elements that bring buildings and infrastructure together into a neighborhood and relate the neighborhood to its landscape as well as its local and regional context. The work of the LEED-ND core committee, made up of representatives from all three partner organizations, has been guided by sources such as the Smart Growth Network's ten principles of smart growth, the charter of the Congress for the New Urbanism, and other LEED rating systems. LEED for Neighborhood Development creates a label, as well as guidelines for both decision making and development, to provide an incentive for better location, design, and construction of new residential, commercial, and mixed-use developments.

Whereas the other LEED rating systems have five environmental categories, LEED for Neighborhood Development has three: Smart Location and Linkage, Neighborhood Pattern and Design, and Green Infrastructure and Buildings. An additional category, Innovation and Design Process, addresses sustainable design and construction issues and measures not covered under the three categories. Regional bonus credits are another feature of LEED-ND. These credits acknowledge the importance of local conditions in determining best environmental design and construction practices as well as social and health practices.

The LEED 2009 minimum program requirements define the minimum characteristics that a project must possess to be eligible for certification under LEED 2009. These requirements do not apply to LEED for Neighborhood Development projects.

LEED Credit Weightings

In LEED 2009, the allocation of points among credits is based on the potential environmental impacts and human benefits of each credit with respect to a set of impact categories. The impacts are defined as the environmental or human effect of the design, construction, operation, and maintenance of the building, such as greenhouse gas emissions, fossil fuel use, toxins and carcinogens, air and water pollutants, and indoor environmental conditions. In the LEED for Neighborhood Development Rating System, social and public health benefits were added to the impact categories, and the impact categories were then applied at the neighborhood scale. A combination of approaches, including energy modeling, life-cycle assessment, and transportation analysis, is used to quantify each type of impact. The resulting allocation of points among credits is called credit weighting.

LEED 2009 uses the U.S. Environmental Protection Agency's TRACI³ environmental impact categories as the basis for weighting each credit. TRACI was developed to assist with impact evaluation for life-cycle assessment, industrial ecology, process design, and pollution prevention. LEED 2009 also takes into consideration the weightings developed by the National Institute of Standards and Technology (NIST); these compare impact categories with one another and assign a relative weight to each. Together, the two approaches provide a solid foundation for determining the point value of each credit in LEED 2009.

The LEED 2009 credit weightings process is based on the following parameters, which maintain consistency and usability across rating systems:

- All LEED credits are worth a minimum of 1 point.
- All LEED credits are positive, whole numbers; there are no fractions or negative values.
- All LEED credits receive a single, static weight in each rating system; there are no individualized scorecards based on project location.
- All LEED rating systems have 100 base points; Innovation and Design Process and Regional Priority credits provide opportunities for up to 10 bonus points.

Given the above criteria, the LEED 2009 credit weightings process involves three steps for LEED for Neighborhood Development:

1. A reference neighborhood is used to estimate the environmental impacts in 15 categories associated with a typical neighborhood development pursuing LEED certification.
2. The relative importance of neighborhood impacts in each category is set to reflect values based on the NIST weightings.⁴
3. Data that quantify neighborhood impacts on environmental and human health are used to assign points to individual credits.

Each credit is allocated points based on the relative importance of the neighborhood-related impacts that it addresses. The result is a weighted average that combines neighborhood impacts and the relative value of the impact categories. Credits that most directly address the most important impacts are given the greatest weight, subject to the system design parameters described above. Credit weights also reflect a decision by LEED to recognize the market implications of point allocation.

The details of the weightings process vary slightly among individual rating systems. For example, LEED for Neighborhood Development includes credits related to infill development but LEED for New Construction does not. This results in a difference in the portion of the environmental footprint addressed by each rating system and the relative allocation of points.

³ Tools for the Reduction and Assessment of Chemical and Other Environmental Impacts (TRACI) (U.S. Environmental Protection Agency, Office of Research and Development, <http://www.epa.gov/nrmrl/std/sab/traci/>).

⁴ Relative impact category weights based on an exercise undertaken by NIST (National Institute of Standards and Technology) for the BEES program, <http://www.btrl.nist.gov/oac/software/bees/>.

The weightings process for each rating system is fully documented in a weightings workbook. The credit weightings process will be reevaluated over time to incorporate changes in values ascribed to different neighborhood impacts and neighborhood types, based on both market reality and evolving knowledge related to buildings and neighborhood design. A complete explanation of the LEED credit weightings system is available on the USGBC website, at www.usgbc.org.

III. OVERVIEW AND PROCESS

The LEED 2009 for Neighborhood Development Rating System is a set of performance standards for certifying the planning and development of neighborhoods. The intent is to promote healthful, durable, affordable, and environmentally sound practices in building design and construction.

Prerequisites and credits in the rating system address five topics:

- Smart Location and Linkage (SLL)
- Neighborhood Pattern and Design (NPD)
- Green Infrastructure and Buildings (GIB)
- Innovation and Design Process (IDP)
- Regional Priority Credit (RPC)

When to Use LEED for Neighborhood Development

The LEED for Neighborhood Development Rating System responds to land use and environmental considerations in the United States. It is designed to certify exemplary development projects that perform well in terms of smart growth, urbanism, and green building. Projects may constitute whole neighborhoods, portions of neighborhoods, or multiple neighborhoods. There is no minimum or maximum size for a LEED-ND project, but the core committee's research has determined that a reasonable minimum size is at least two habitable buildings and that the maximum area that can appropriately be considered a neighborhood is 320 acres, or half a square mile. A project larger than 320 acres is eligible but may find documenting certain credits difficult and may want to consider dividing the area into separate LEED-ND projects, each smaller than 320 acres. Although projects may contain only a single use, typically a mix of uses will provide the most amenities to residents and workers and enable people to drive less and safely walk or bike more. Small infill projects that are single use but complement existing neighboring uses, such as a new affordable-housing infill development in a neighborhood that is already well served by retail and commercial uses, are also good candidates for certification.

This rating system is designed primarily for the planning and development of new green neighborhoods, whether infill sites or new developments proximate to diverse uses or adjacent to connected and previously developed land. Many infill projects or projects near transit will be in urban areas, which helps direct growth into places with existing infrastructure and amenities. LEED-ND also promotes the redevelopment of aging brownfield sites into revitalized neighborhoods by rewarding connections beyond the site, walkable streets within the site, and the integration of any historic buildings and structures that will give the new neighborhood development a unique sense of place.

Existing neighborhoods can also use the rating system, and its application in this context could be especially beneficial in urban areas and historic districts. It is, however, important to point out that the owner or owners applying for certification should already own, have title to, or have significant control over a majority of the land within the project boundary and the plan for new construction or major renovation for the majority of the project's square footage. The new construction could take place on vacant land within the boundary, and the major renovations could involve existing buildings, recent or historic, within the project. In addition to guiding infill development opportunities, LEED-ND has additional relevance for existing neighborhoods, as a tool to set

performance levels for a group of owners wanting to retrofit their homes, offices, or shops, and finally for shaping new green infrastructure, such as sidewalks, alleys, and public spaces. Many prerequisites or credits have a specific compliance path for existing buildings; this is highlighted in the rating system, and more detail is provided in the reference guide.

LEED-ND also can be used in suburban locations. There are tremendous opportunities to retrofit the suburbs, whether this involves reviving old shopping centers and their surrounding parking lots or adding new units and vibrant walkable town centers to existing subdivisions. Increasingly, many suburbs are well served by transit and thus should be considered good candidates for creating mixed-use, walkable developments with the potential to decrease residents' and workers' dependence on personal automobiles.

LEED for Neighborhood Development was not designed as a rating system for existing campuses, such as colleges, universities, and military bases. Many campuses have circulation patterns and building forms and placement that differ from the strategies outlined in LEED-ND. As a result, the rating system may not be appropriate for such facilities, but it could be applied in certain situations. For example, LEED-ND could be used for a civilian-style development on or adjacent to a military base, especially now that there is increased interest in developing mixed-use main streets as a focal point for new residential development in military bases. In addition, with many installations facing closure under the Base Realignment and Closure Act, LEED-ND could be used to guide the redevelopment of a base as it finds a new use. For colleges and universities, the program best lends itself to campuses that are expanding or undergoing major redevelopment. Increasingly, many universities are creating mixed-use development projects, often with local partners, to serve as catalytic projects in their communities, and LEED-ND could be a good framework and certification tool. Some universities are looking to their own campus lands for new development opportunities, particularly for housing that is affordable to faculty and staff but also walkable to campus and other amenities, and LEED-ND may be appropriate.

LEED for Neighborhood Development is not meant to be a national standard that replaces zoning codes or comprehensive plans, nor has it been designed to certify sector plans or other policy tools. Local development patterns and performance levels vary greatly across the country because land regulation is largely controlled by local governments. One city may be a leader in stormwater management, and another an innovator in traffic calming, but neither may be advanced in all areas covered by LEED-ND. The rating system should therefore not be considered a one-size-fits-all policy tool. Instead, LEED-ND is a voluntary leadership standard, and local governments should consider promoting its use by the development community or public-private partnerships. In addition, LEED-ND can be used to analyze whether existing development regulations, such as zoning codes, development standards, landscape requirements, building codes, or comprehensive plans are "friendly" to sustainable developments. By comparing a locality's development practices with the rating system, public officials and the planning department can better identify code barriers that make it onerous, costly, or even impossible to undertake some aspects of sustainable development. Finally, public sector projects (e.g., those sponsored by housing authorities, redevelopment agencies, or specialized development authorities) are eligible to use the rating system. Please visit the LEED for Neighborhood web page at www.usgbc.org for LEED-ND policy guidance for state and local governments.

“Neighborhood Development,” Defined

Based on research on the origins of neighborhood design and current best practices for locating and designing new development, the LEED for Neighborhood Development core committee has developed a rating system for smart, healthy, and green neighborhood development. Although LEED-ND does not strictly define what constitutes a neighborhood, the prerequisites and credits are written to encourage a type of development that recalls the siting and design of traditional neighborhoods and promotes best practices in new neighborhood development today.

Since ancient times, cities around the world have been spatially divided into districts or neighborhoods. Excavations of some of the earliest cities reveal evidence of social neighborhoods. Urban scholar Lewis Mumford noted that “neighborhoods, in some primitive, inchoate fashion exist wherever human beings congregate, in permanent family dwellings; and many of the functions of the city tend to be distributed naturally—that is, without any theoretical preoccupation or political direction—into neighborhoods.”⁵ In basic terms, a neighborhood is an area of dwellings, employment, retail, and civic places and their immediate environment that residents and/or employees identify with in terms of social and economic attitudes, lifestyles, and institutions.

A neighborhood can be considered the planning unit of a town. The charter of the Congress for the New Urbanism characterizes this unit as “compact, pedestrian-friendly, and mixed-use.”⁶ By itself the neighborhood is a village, but combined with other neighborhoods it becomes a town or a city. Similarly, several neighborhoods with their centers at transit stops can constitute a transit corridor. The neighborhood, as laid out in LEED-ND, is in contrast to sprawl development patterns, which create podlike clusters that are disconnected from surrounding areas. Existing and new traditional neighborhoods provide an alternative to development patterns that characterize sprawl, such as the single-zoned, automobile-dominated land uses that have been predominant in suburban areas since the 1950s. Instead, traditional neighborhoods meet all those same needs—for housing, employment, shopping, civic functions, and more—but in formats that are compact, complete, and connected, and ultimately more sustainable and diverse.⁷ The metrics of a neighborhood vary in density, population, mix of uses, and dwelling types and by regional customs, economies, climates, and site conditions. In general, they include size, identifiable centers and edges, connectedness with the surroundings, walkable streets, and sites for civic uses and social interaction.

Size is a defining feature of a neighborhood and is typically based on a comfortable distance for walking from the center of the neighborhood to its edge; that suggests an area of 40 to 160 acres. In the 1929 Regional Plan of New York and Environs, urban planner Clarence Perry outlined a neighborhood center surrounded by civic uses, parks, residential uses, a school, and retail at the edge, all within one-quarter mile—about a 5-minute walk. This amounts to an area or pedestrian “shed” of 125 acres, or if the land area is a square, 160 acres. Although Perry’s diagram does not address many of the sustainable features of LEED-ND, such as access to multimodal transportation options, location of infrastructure, and building form, it serves as a reference point for the mix of uses and walkable scale of neighborhood development encouraged in the rating system. Most people will walk approximately one-quarter mile (1,320 feet) to run daily errands; beyond that, many will take a bicycle or car. Additional research shows that people will walk as far as a half-mile (2,640 feet) to reach heavy rail transit systems or more specialized shops or civic uses.⁸ Since half a square mile contains 320 acres, the core committee has decided that this size should serve as guidance for the upper limit of a LEED-ND project.

5 Lewis Mumford, “The Neighbourhood and the Neighbourhood Unit,” *Town Planning Review* 24 (1954): 256-270, p. 258.

6 Charter of the Congress for the New Urbanism, www.cnu.org/charter, 1996.

7 Ibid.

8 H. Dittmar and G. Ohland, eds., *The New Transit Town: Best Practices in Transit-Oriented Development* (Washington, D.C.: Island Press, 2004), p. 120.

Figure 1. Clarence Perry's Neighborhood Unit, 1929.
Source: Regional Plan Association

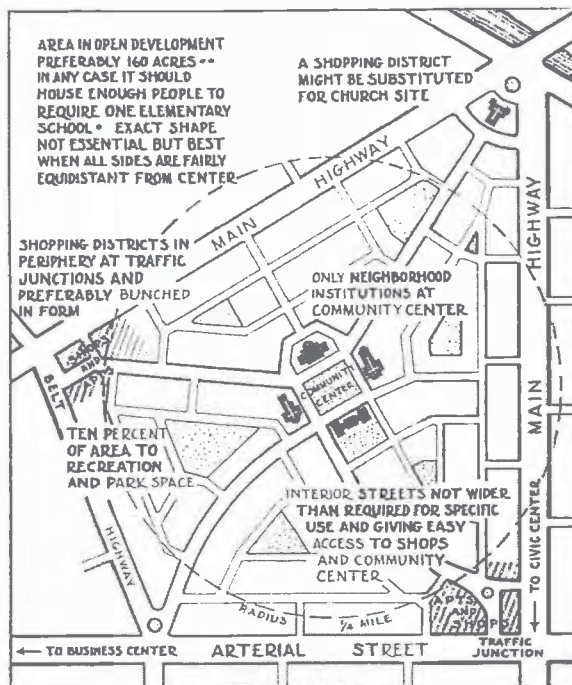
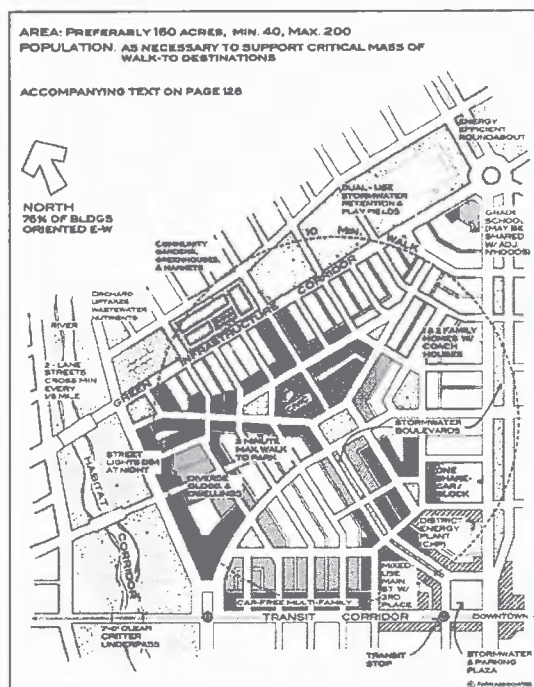


Figure 2. A “sustainable” update of Perry's neighborhood unit. Source: Douglas Farr, *Sustainable Urbanism*

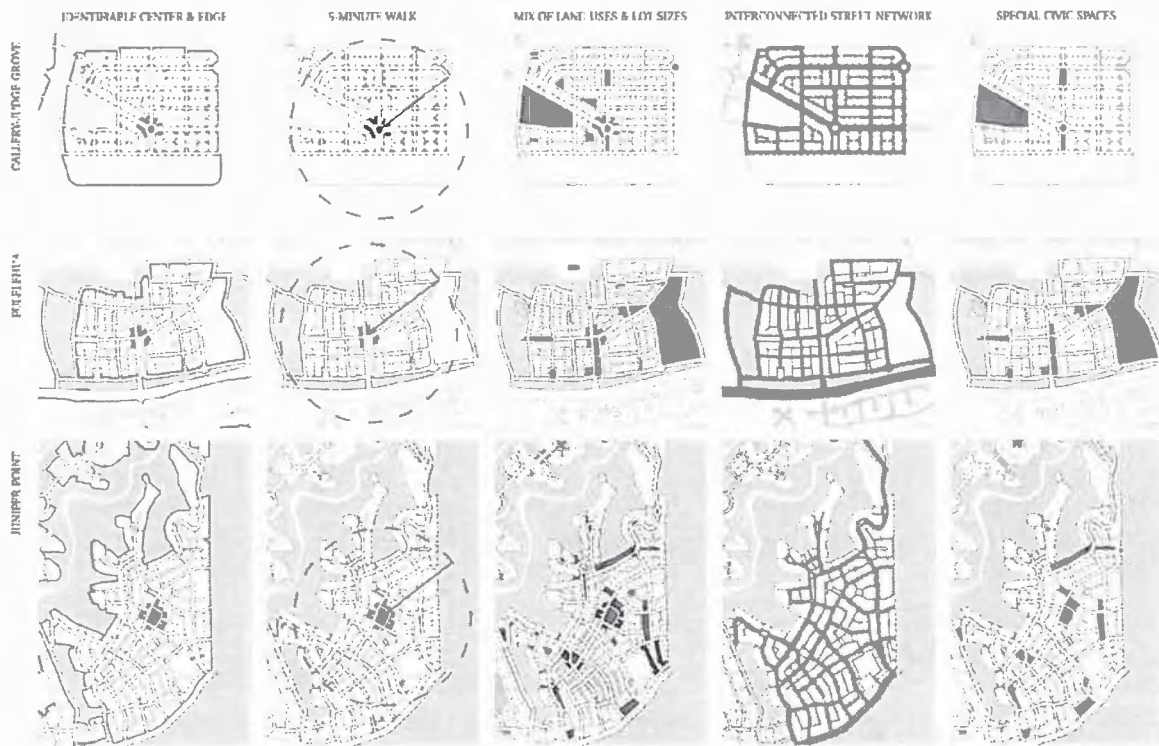


A neighborhood should have places where the public feels welcome and encouraged to congregate, recognizable as the heart of the community. A proper center has at least one outdoor public space for this purpose, designed with pedestrians in mind; this is the most well-defined outdoor “room” in the neighborhood. The best centers are within walking distance of the primarily residential areas, and typically some gradient in density is discernible from center to edge. The “center” need not be in the geographic center of the neighborhood; it can be along the edge, on an arterial or transit line. It is important for a neighborhood to have boundaries as well as a defined center, and this characteristic is often achieved through identifiable edges, either man-made or natural, such as adjacent farmland, parks, greenways, schools, major rights-of-way, or other uses.

When a neighborhood has a robust network of internal streets and good connections to surrounding communities, pedestrians, bicyclists, and drivers can move more efficiently and more safely. Multiple intersections and short blocks also give pedestrians a more interesting environment. The maximum average block perimeter to achieve an integrated network is 1,500 feet, with a maximum uninterrupted block face of ideally no more than 450 feet; intersecting streets are placed at intervals of 500 to 600 feet, and no greater than 800 feet apart along any single stretch.

The morphology of a sustainable neighborhood—the design of its blocks, streets, and buildings—can serve as the foundation of a walkable environment. Walkable streets have many features, and those elements deemed most important by the core committee are encouraged by the LEED-ND Rating System. These features, such as human-scaled buildings and street widths, wide sidewalks, buildings that are pulled up to the sidewalk to create a continuous street wall, retail storefronts and other uses, and interesting street furniture and trees, are meant to create a safe, inviting, and well-used public realm with visual interest. To keep loading docks, garage openings, and utilities away from sidewalks, neighborhoods with walkable streets often feature alleys.

Figure 3. Examples of neighborhood morphology. Source: Douglas Farr, *Sustainable Urbanism*



A mix of uses is often integral to the vitality of a neighborhood; the mix can include not only residential and commercial but also a variety of retail establishments, services, community facilities, and other kinds of “diverse uses,” whether available within the neighborhood or adjacent. Urban theorist Ray Oldenburg would classify diverse uses as “Third Places”—small neighborhood grocers, coffee shops, pubs, or post offices that allow residents and workers to mingle and have social interactions. A mix of active and diverse retail uses on a walkable street can create a place that is alive day and night, and not closed down at 6 p.m.

Existing neighborhoods have the added benefit of historic buildings and events with cultural significance. Jane Jacobs argued that every neighborhood needed a mixture of newer and older buildings to allow for a variety of uses, income levels, and even ideas within the neighborhood.⁹ New neighborhoods can bring some of the architectural diversity found in existing neighborhoods by including a mix of uses and housing types, each of which might need a different building type and design, thus generating visual interest. Finally, placing important civic buildings, such as churches, libraries, schools, or local government buildings at the termination of a street can create civic pride and also an interesting vista for pedestrians. With a focus on civic buildings and gathering places and the pedestrian experience in general, it is no surprise that walkable neighborhoods are often defined by the social interaction among people living and working near one another.

In conclusion, LEED for Neighborhood Development emphasizes the creation of compact, walkable, vibrant, mixed-use neighborhoods with good connections to nearby communities. In addition to neighborhood morphology, pedestrian scale, and mix of uses, the rating system also emphasizes the location of the neighborhood and the performance of the infrastructure and buildings within it. The sustainable benefits of a neighborhood increase when it offers proximity to transit and when residents and workers can safely travel by foot or bicycle to jobs, amenities,

9 Jane Jacobs, *The Death and Life of Great American Cities* (New York: Random House, 1961), p. 187.

and services. This can create a neighborhood with a high quality of life and healthy inhabitants. Likewise, green buildings can reduce energy and water use, and green infrastructure, such as landscaping and best practices to reduce stormwater runoff, can protect natural resources. Together, well-located and well-designed green neighborhood developments will play an integral role in reducing greenhouse gas emissions and improving quality of life.

Certification

To earn LEED certification, the applicant project must satisfy all the prerequisites and qualify for a minimum number of points to attain the project ratings listed below. Having satisfied the basic prerequisites of the program, applicant projects are then rated according to their degree of compliance within the rating system.

LEED for Neighborhood Development certifications are awarded according to the following scale:

Certified	40–49 points
Silver	50–59 points
Gold	60–79 points
Platinum	80 points and above

Stages of Certification

LEED for Neighborhood Development involves projects that may have significantly longer construction periods than single buildings, and as a result the standard LEED certification process has been modified. To provide developers of certifiable projects with conditional approval at an early stage, LEED 2009 for Neighborhood Development certification is divided into a three-stage process. A land-use entitlement, referred to below, is the existing or granted right to use property for specific types and quantities of residential and nonresidential land uses.

Stage 1. Conditional Approval of a LEED-ND Plan. This stage is optional for projects at any point before the entitlement process begins, or when no more than 50% of a project's total new and/or renovated building square footage has land-use entitlements to use property for the specific types and quantities of residential and nonresidential land uses proposed, either by right or through a local government regulatory change process. Projects with more than 50% of new and/or renovated square footage already entitled must complete the local entitlement process for 100% of new and/or renovated square footage and apply under Stage 2. If conditional approval of the plan is achieved, a letter will be issued stating that if the project is built as proposed, it will be eligible to achieve LEED for Neighborhood Development certification. The purpose of this letter is to help the developer build a case for entitlement among land-use planning authorities, as well as attract financing and occupant commitments.

Stage 2. Pre-Certified LEED-ND Plan. This stage is available after 100% of the project's total new and/or renovated building square footage has been fully entitled by public authorities with jurisdiction over the project. The project can also be under construction or partially completed, but no more than 75% of the total square footage can be constructed; projects that are more than 75% constructed must finish and use Stage 3. Any changes to the conditionally approved plan that could affect prerequisite or credit achievement must be communicated as part of this submission. If precertification of the plan is achieved, a certificate will be issued stating that the plan is a Pre-Certified LEED for Neighborhood Development Plan and it will be listed as such on the USGBC website.

Stage 3. LEED-ND Certified Neighborhood Development. This final step takes place when the project can submit documentation for all prerequisites and attempted credits, and when certificates of occupancy for buildings and acceptance of infrastructure have been issued by public authorities with jurisdiction over the project. Any changes to the Pre-Certified LEED-ND Plan that could affect prerequisite or credit achievement must be communicated as part of this submission. If certification of the completed neighborhood development is achieved, a plaque or similar award for public display at the project site will be issued and it will be listed as certified on the USGBC website.

Since the location of a project cannot be changed, whereas its design and technologies can, a review is offered to determine a project's compliance with the Smart Location and Linkage (SLL) prerequisites and inform the team whether the location qualifies. If it does, a project team can proceed; if it doesn't, the team can end its participation in the program before investing more time. This optional review of the SLL prerequisites is available to projects in advance of a Stage 1, Stage 2, or Stage 3 application.

IV. EXEMPLARY PERFORMANCE

Exemplary performance strategies result in performance that greatly exceeds the performance level or expands the scope required by an existing credit. To earn an exemplary performance point, teams must meet the performance level defined by the next step in the threshold progression. For a credit with more than one compliance path, an Innovation and Design Process point can be earned by satisfying more than one compliance path if their benefits are additive.

The credits for which exemplary performance points are available are listed in the LEED Reference Guide for Green Neighborhood Development, 2009 Edition.

V. REGIONAL PRIORITY

To provide incentive to address geographically specific environmental issues, USGBC regional councils and chapters, the Congress for the New Urbanism chapters, and representatives of Smart Growth America's State and Local Caucus have identified 6 credits per rating system that are of particular importance to specific areas. Each Regional Priority credit is worth an additional 1 point, and a total of 4 additional points may be earned by achieving Regional Priority credits, with 1 point earned per credit. If the project achieves more than 4 Regional Priority credits, the team can choose the credits for which these points will apply. The USGBC website contains a searchable database of Regional Priority credits.

SMART LOCATION AND LINKAGE

SLL Prerequisite 1: Smart Location

Required

Intent

To encourage development within and near *existing* communities and public transit infrastructure. To encourage improvement and redevelopment of existing cities, suburbs, and towns while limiting the expansion of the *development footprint* in the region to appropriate circumstances. To reduce vehicle trips and *vehicle miles traveled* (VMT). To reduce the incidence of obesity, heart disease, and hypertension by encouraging daily physical activity associated with walking and bicycling.

Requirements

FOR ALL PROJECTS

Either (a) locate the *project* on a site served by existing *water and wastewater infrastructure* or (b) locate the project within a legally adopted, publicly owned, planned water and wastewater service area, and provide new water and wastewater infrastructure for the project.

AND

OPTION 1. Infill Sites

Locate the project on an *infill site*.

OR

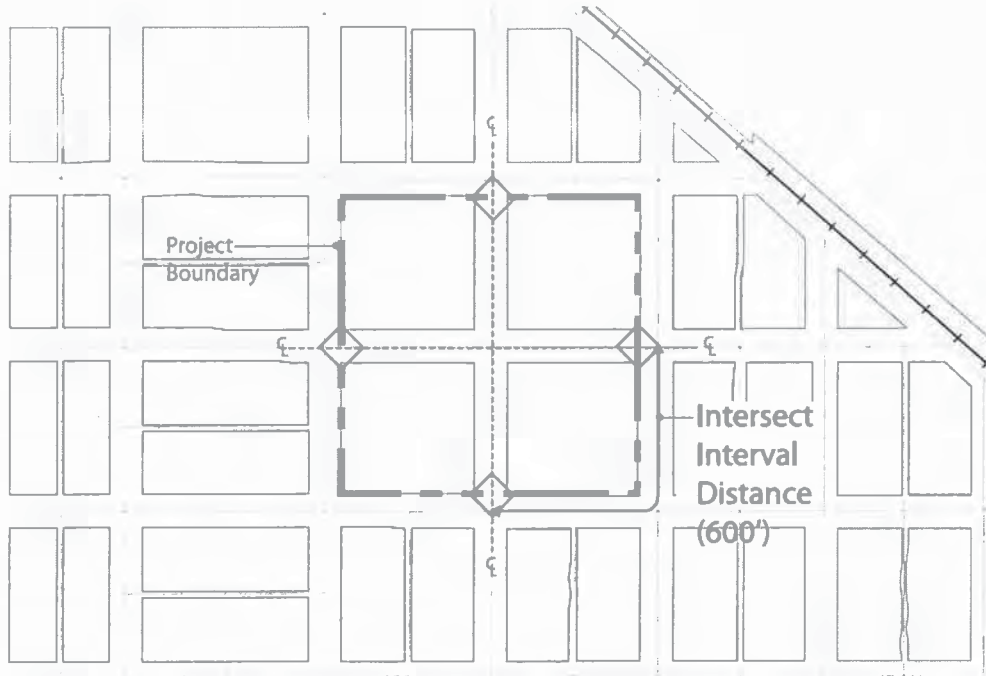
OPTION 2. Adjacent Sites with Connectivity

Locate the project on an *adjacent site* (i.e., a site that is adjacent to *previously developed* land; see Definitions) where the *connectivity* of the site and adjacent land is at least 90 intersections/square mile as measured within a 1/2-mile distance of a continuous segment of the *project boundary*, equal to or greater than 25% of the project boundary, that is adjacent to previous development. Existing external and internal intersections may be counted if they were not constructed or funded by the project *developer* within the past ten years. Locate and/or design the project such that a through-*street* and/or nonmotorized right-of-way intersects the project boundary at least every 600 feet on average, and at least every 800 feet, connecting it with an existing street and/or right of way outside the project; nonmotorized rights-of-way may count for no more than 20% of the total. The exemptions listed in NPD Prerequisite 3, Connected and Open Community, do not apply to this option.

Figure 1. Adjacent and connected project site based on minimum 25% of perimeter adjacent to previously developed parcels and at least 90 eligible intersections per square mile within 1/2 mile of boundary segment adjacent to previous development



Figure 2. Project site with through-street right-of-way intersecting project boundary at least every 600 feet on average



OR

OPTION 3. Transit Corridor or Route with Adequate Transit Service

Locate the project on a site with existing and/or planned transit service such that at least 50% of *dwelling units* and nonresidential building entrances (inclusive of existing buildings) are within a 1/4 mile *walk distance* of bus and/or streetcar stops, or within a 1/2 mile walk distance of *bus rapid transit* stops, light or heavy rail stations, and/or ferry terminals, and the transit service at those stops in aggregate meets the minimums listed in Table 1 (both weekday and weekend trip minimums must be met).

Weekend trips must include service on both Saturday and Sunday. Commuter rail must serve more than one *metropolitan statistical area* (MSA) and/or the area surrounding the core of an MSA.

Table 1. Minimum daily transit service

	Weekday trips	Weekend trips
Projects with multiple transit types (bus, streetcar, rail, or ferry)	60	40
Projects with commuter rail or ferry service only	24	6

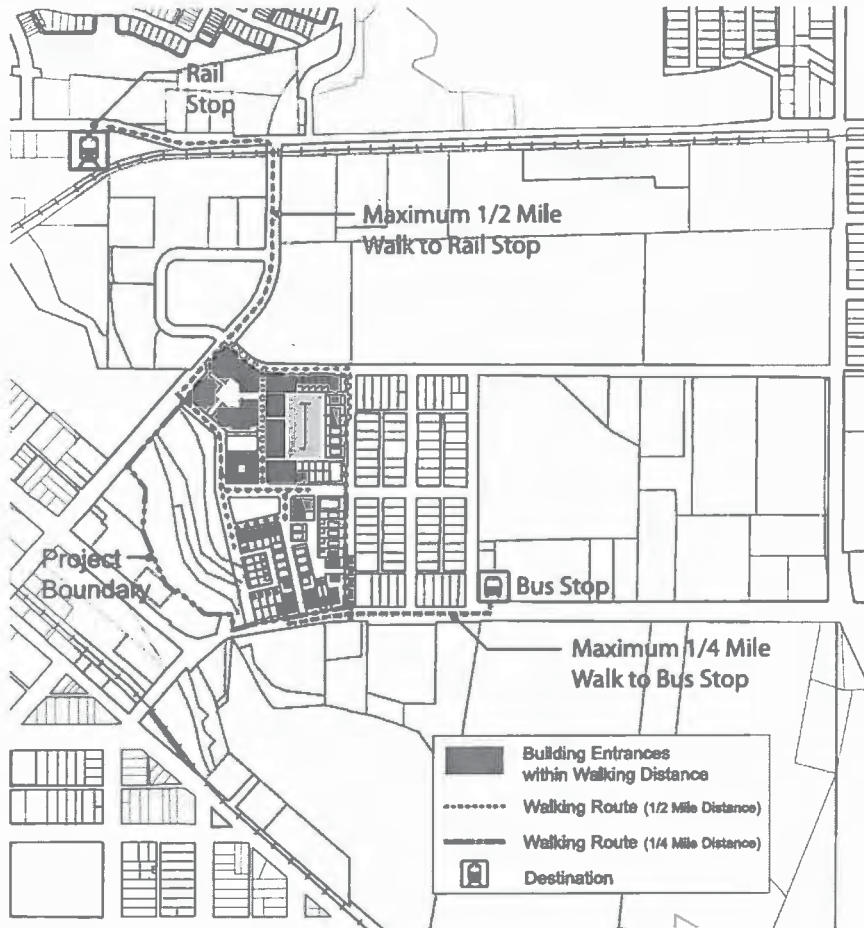
If transit service is planned but not yet operational, the project must demonstrate one of the following:

- a. The relevant transit agency has a signed full funding grant agreement with the Federal Transit Administration that includes a revenue operations date for the start of transit service. The revenue operations date must be no later than the occupancy date of 50% of the project's total building square footage.
- b. For bus, streetcar, bus rapid transit, or ferry service, the transit agency must certify that it has an approved budget that includes specifically allocated funds sufficient to provide the planned service at the levels listed above and that service at these levels will commence no later than occupancy of 50% of the project's total building square footage.
- c. For rail service other than streetcars, the transit agency must certify that preliminary engineering for a rail line has commenced. In addition, the service must meet either of these two requirements:
 - A state legislature or local subdivision of the state has authorized the transit agency to expend funds to establish rail transit service that will commence no later than occupancy of 50% of the project's total building square footage.

OR

- A municipality has dedicated funding or reimbursement commitments from future tax revenue for the development of stations, platforms, or other rail transit infrastructure that will service the project no later than occupancy of 50% of the project's total building square footage.

Figure 3. Walking routes on pedestrian network showing distances from dwellings and nonresidential uses to transit stops



OR

OPTION 4. Sites with Nearby Neighborhood Assets

Include a residential component equaling at least 30% of the project's total building square footage (exclusive of portions of parking structures devoted exclusively to parking), and locate the project near existing neighborhood shops, uses, and facilities ("diverse uses"; see Appendix) such that the project boundary is within 1/4-mile walk distance of at least five diverse uses, or such that the project's geographic center is within 1/2-mile walk distance of at least seven diverse uses. In either case the qualifying uses must include at least one food retail establishment and at least one use from each of two other categories, with the following limitations:

- a. A single establishment may not be counted in two categories (e.g., a place of worship may be counted only once even if it also contains a daycare facility, and a retail store may be counted only once even if it sells products in several categories).
- b. Establishments in a mixed-use building may each count if they are distinctly operated enterprises with

separate exterior entrances, but no more than half of the minimum number of diverse uses can be situated in a single building or under a common roof.

- c. Only two establishments in a single category may be counted (e.g., if five restaurants are within the required distance, only two may be counted).

Figure 4. Walking routes on pedestrian network showing distances from dwellings and nonresidential uses to diverse use destinations



Key Definitions

adjacent site a site having at least 25% of its boundary bordering parcels that are each at least 75% *previously developed*. A *street* or other right-of-way does not constitute previously developed land; instead, it is the status of the property on the other side of the street or right-of-way that matters. Any fraction of the boundary that borders waterfront other than a stream is excluded from the calculation. A site is still considered adjacent if the 25% adjacent portion of its boundary is separated from previously developed parcels by undeveloped, permanently protected land averaging no more than 400 feet in width and no more than 500 feet in any one place. The undeveloped land must be permanently preserved as natural area, riparian corridor, *park*, greenway, agricultural land, or designated *cultural landscape*. Permanent pedestrian paths connecting the project through the protected parcels to the bordering site may be counted to meet the requirement of SLL Prerequisite 1, Option 2 (that the *project* be connected to the adjacent parcel by a through-street or nonmotorized right-of-way every 600 feet on average, provided the path or paths traverse the undeveloped land at no more than a 10% grade for walking by persons of all ages and physical abilities).

Adjacent project site based on minimum 25% of perimeter adjacent to previously developed parcels, including allowance for permanently protected land between project boundary and previously developed parcels



connectivity the number of publicly accessible intersections per square mile, including any combination of streets, dedicated alleys, transit rights-of-way, and nonmotorized rights-of-way. If one must both enter and exit an area through the same intersection, such an intersection and any intersections beyond that point are not counted; intersections leading only to culs-de-sac are also not counted. The calculation of square mileage excludes waterbodies, parks larger than 1/2 acre, public facility campuses, airports, rail yards, slopes over 15%, and areas nonbuildable under codified law or the rating system. Street rights-of-way may not be excluded.

infill site a site that meets any of the following four conditions:

- a. At least 75% of its boundary borders parcels that individually are at least 50% *previously developed*, and that in aggregate are at least 75% previously developed.
- b. The site, in combination with bordering parcels, forms an aggregate parcel whose boundary is 75% bounded by parcels that individually are at least 50% previously developed, and that in aggregate are at least 75% previously developed.
- c. At least 75% of the land area, exclusive of rights-of-way, within a 1/2 mile distance from the *project boundary* is previously developed.
- d. The lands within a 1/2 mile distance from the project boundary have a *preproject connectivity* of at least 140 intersections per square mile.

A *street* or other right-of-way does not constitute previously developed land; it is the status of property on the other side or right-of-way of the street that matters. For conditions (a) and (b) above, any fraction of the perimeter that borders waterfront other than a stream is excluded from the calculation.

(a). Infill project site based on minimum 75% of perimeter adjacent to previously developed parcels



(b). Infill project site based on minimum 75% adjacent to previously developed parcels using project boundary and selected bordering parcels



(c). Infill project site based on minimum 75% of land area within 1/2 mile of project boundary being previously developed



(d). Infill project site based on minimum 140 intersections/sq.mi. within 1/2 mile of project boundary



previously developed altered by paving, construction, and/or land use that would typically have required regulatory permitting to have been initiated (alterations may exist now or in the past). Previously developed land includes a platted lot on which a building was constructed if the lot is no more than 1 acre; previous development on lots larger than 1 acre is defined as the *development footprint* and land alterations associated with the footprint. Land that is not previously developed and altered landscapes resulting from current or historical clearing or filling, agricultural or forestry use, or preserved natural area use are considered undeveloped land. The date of previous development permit issuance constitutes the date of previous development, but permit issuance in itself does not constitute previous development.

EXHIBIT 4

DEIR Public Comment Letter dated August 13, 2013 from Kevin K. Johnson APLC re:
Proposed Accretive Lilac Hills Ranch General Plan Amendment and Specific Plan
PDS2012-3800-12-001(GPA),PDS2012-3810-12-001 (SP)-**General Plan and
Community Plan Inconsistencies**

ATTACHMENT A PROJECT ISSUE CHECKLIST

PROJECT NAME: Liliac Hills Ranch Master Planned Community

Project Number(s): 3800 12-001 (GPA), 3810 12-001 (SP), 3600 12-003 (REZ), 3100 5571 (TM), 3100 5572 (TM), 3300 12-005 (MUP), 3500 12-017 (STP), 3500 12-018 (STP)

PDS (Department of Planning & Development Services) Planning and CEQA Comments

Item	No.	Subject Area	Issue, Revision or Information Required	Issue Resolution Summary (Include Conditions)	Date Identified	Date Resolved
11	31	Fire Protection Plan	Please remove the discussion regarding Solar Photovoltaic Power System. The Specific Plan does not include any provisions for a solar facility.	The FFP has been revised to address the comments from the Deer Springs FPD and County Fire Authority.	6/14/12 12/10/12 3/20/13	6/13/13
11	32	Fire Protection Plan	Please update the phrasing exhibit to address the previous comments.	The FFP has been revised to address the comments from the Deer Springs FPD and County Fire Authority.	6/14/12 12/10/12 3/20/13	6/13/13
12	1	General Comment	Please clarify the acreage of the project site and the number of properties (parcels) throughout the technical studies.		6/14/12	12/10/12
12	2	General Comment	Please clarify the number of parcels within the project area throughout the technical studies.		6/14/12	12/10/12
13	1	General Plan Conformance	The project remains inconsistent with the land use map and numerous General Plan and Community Plan policies. Please see the General Plan Conformance Review attached to this letter for additional information. The project also appears to be inconsistent with the Community Plan policies identified below. Please review the policies and indicate to staff how you would propose to revise these policies or if you disagree with staff's analysis. Some of the policies identified below may not be an issue based on a review of the technical documents requested. The analysis of the projects consistency with these policies will be updated upon acceptance of the technical studies.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	6/14/12 12/10/12 3/20/13	6/13/13
13	2	General Plan Conformance - Bonsall Community Plan	Goal LU-1.1 A unique balance of Bonsall's rural agriculture, estate lots, ridgelines, equestrian uses, and open space land uses within the community, including open space and low density buffers that separate the community from adjacent cities and unincorporated community and new development that conserves natural resources and topography.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	6/14/12 12/10/12 3/20/13	6/13/13

ATTACHMENT A **PROJECT ISSUE CHECKLIST**

PROJECT NAME: Libac Hills Ranch Master Planned Community

Project Number(s): 3800 12-001 (GPA), 3810 12-001 (STP), 3600 12-003 (REZ), 3100 5574 (TM), 3100 5572 (TM), 3300 12-005 (MUP), 3500 12-017 (STP), 3500 12-018 (STP)

PDS (Department of Planning & Development Services) Planning and CEQA Comments						
Item	No.	Subject Area	Issue, Revision or Information Required	Issue Resolution Summary (Include Conditions)	Date Identified	Date Resolved
13	3	General Plan Conformance - Bonsall Community Plan	Policy LU-1.1.1 Require development in the community to preserve the rural qualities of the area, minimize traffic congestion, and to not adversely affect the natural environment.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	8/14/12 12/10/12 3/20/13	8/13/13
13	4	General Plan Conformance - Bonsall Community Plan	Policy P LU-1.1.2 Maintain the existing rural lifestyle by continuing the existing pattern of residential, equestrian, and agricultural uses within the Bonsall CPA.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	8/14/12 12/10/12 3/20/13	8/13/13
13	5	General Plan Conformance - Bonsall Community Plan	Policy LU1.1.3 Require development to be sensitive to the topography, physical context, and community character of Bonsall.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	8/14/12 12/10/12 3/20/13	8/13/13
13	6	General Plan Conformance - Bonsall Community Plan	Figure 3, Bonsall Village Boundaries.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	8/14/12 12/10/12 3/20/13	8/13/13
13	7	General Plan Conformance - Bonsall Community Plan	Goal 1.2 Continued development that is appropriately designed to match the rural character of the Bonsall community.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	8/14/12 12/10/12 3/20/13	8/13/13
13	8	General Plan Conformance - Bonsall Community Plan	Policy 1.2.1 Require development that is designed to be consistent with the rural character of the Bonsall community.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	8/14/12 12/10/12 3/20/13	8/13/13
13	9	General Plan Conformance - Bonsall Community Plan	Policy 1.2.2 Encourage the application of design review to the majority of parcels in the Bonsall CPA.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	8/14/12 12/10/12 3/20/13	8/13/13
13	10	General Plan Conformance - Bonsall Community Plan	Goal LU2.1 Development that centers inside the core Village in Bonsall and discourages spot development outside that area.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	8/14/12 12/10/12 3/20/13	8/13/13

ATTACHMENT A PROJECT ISSUE CHECKLIST

PROJECT NAME: Llac Hills Ranch Master Planned Community

Project Number(s): 3800-12-001 (GPA), 3810-12-001 (SP), 3500-12-003 (REEZ), 3100-5571 (TM), 3100-5572 (TM), 3300-12-005 (MUP), 3500-12-017 (STP), 3500-12-018 (STP)

PDS (Department of Planning & Development Services) Planning and CEQA Comments

Item	No.	Subject Area	Issue, Revision or Information Required	Issue Resolution Summary (Include Conditions)	Date Identified	Date Resolved
13	11	General Plan Conformance - Bonsall Community Plan	Policy LU-2.1.1 Encourage development inside the Village boundaries (see Figure 3) which are centered around the Mission Road/Olive Hill Road and State Route 78 intersections.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	6/14/12 12/10/12 3/20/13	6/13/13
13	12	General Plan Conformance - Bonsall Community Plan	Goal LU-2.2 The San Luis Rey River Valley retains its rural character, while urbanized development remains within neighboring cities that are discouraged from annexing areas of Bonsall.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	6/14/12 12/10/12 3/20/13	6/13/13
13	13	General Plan Conformance - Bonsall Community Plan	Goal LU-3.1 Estate lot residential development that provides adequate housing opportunities for all residents, while maintaining and enhancing the existing rural atmosphere of the community.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	6/14/12 12/10/12 3/20/13	6/13/13
13	14	General Plan Conformance - Bonsall Community Plan	Policy LU-3.1.2 Require subdivision design to minimize adverse impacts to community character, or to the environment, and to mitigate any impacts from other constraints on the land that could not be avoided. Require mitigation actions to remain within the CPA.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	6/14/12 12/10/12 3/20/13	6/13/13
13	15	General Plan Conformance - Bonsall Community Plan	Policy LU-3.1.3 Buffer residential areas from incompatible activities, which create heavy traffic, noise, dust, unsightly views, or from incompatibility with the surrounding environment.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	6/14/12 12/10/12 3/20/13	6/13/13
13	16	General Plan Conformance - Bonsall Community Plan	Policy LU-5.1.2 Require grading to be contoured to blend with natural topography, rather than consist of straight edges.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	6/14/12 12/10/12 3/20/13	6/13/13
13	17	General Plan Conformance - Bonsall Community Plan	Policy LU-5.1.3 Minimize grading to preserve natural landforms, major rock outcroppings and areas of existing mature trees. Integrate hillside development with existing topography and landforms.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	6/14/12 12/10/12 3/20/13	6/13/13
13	18	General Plan Conformance - Bonsall Community Plan	Policy LU-5.1.4 Restrict, to the maximum extent feasible, extensive grading for development projects in areas with slopes that are 20 percent or greater, in order to preserve and protect the environment, and to lessen grading and erosion.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	6/14/12 12/10/12 3/20/13	6/13/13

ATTACHMENT A PROJECT ISSUE CHECKLIST

PROJECT NAME: L'hae Hills Ranch Master Planned Community

Project Number(s): 3800 12-001 (GPA), 3810 12-001 (SP), 3600 12-003 (REZ), 3100 5571 (TM), 3100 5572 (TM), 3300 12-005 (MUP), 3500 12-017 (STP), 3500 12-018 (STP)

PDS (Department of Planning & Development Services) Planning and CEQA Comments

Item	No.	Subject Area	Issue, Revision or Information Required	Issue Resolution Summary (Include Conditions)	Date Identified	Date Resolved
13	19	General Plan Conformance - Bonsall Community Plan	Policy LU-5.1.5 Require development on slopes to be stepped to follow and preserve topography to the maximum extent feasible.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	6/14/12 12/10/12 3/20/13	6/13/13
13	20	General Plan Conformance - Bonsall Community Plan	Policy LU-5.1.6 Minimize cut and fill grading for roads and access ways to the absolute minimum necessary.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	6/14/12 12/10/12 3/20/13	6/13/13
13	21	General Plan Conformance - Bonsall Community Plan	Goal LU-5.2 The preservation of groundwater resources, community character and protection of sensitive resources in the Bonsall Community Planning Area.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	6/14/12 12/10/12 3/20/13	6/13/13
13	22	General Plan Conformance - Bonsall Community Plan	<p>Policy LU-5.2.1 Require lot sizes, except through planned development, lot area averaging or specific plan projects, to be no smaller than:</p> <ul style="list-style-type: none"> - 50 percent of the density indicated on the Land Use Map, without clustering or lot averaging, for Semi Rural 4 and higher densities, or - Four acres for Semi Rural 10 and lower densities. <p>Implementation LU-5.2.1 Zoning Ordinance Policy LU-5.2.2 Allow further reductions in minimum lot sizes indicated in Policy LU-5.2.1, through Planned Development, Lot Area Averaging, or Specific Plan projects only when setbacks, building scale, and design are appropriate to retain the equestrian and agricultural community character in the area.</p> <p>Example: Semi Rural 2 establishes a density of one dwelling unit per two acres. Fifty percent of that density would result in a minimum lot size of one acre.</p>	<p>The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.</p>	6/14/12 12/10/12 3/20/13	6/13/13

ATTACHMENT A PROJECT ISSUE CHECKLIST

PROJECT NAME: L'Hee Hills Ranch Master Planned Community

Project Number(s): 3800 12-001 (GPA), 3810 12-001 (SP), 3500 12-003 (REZ), 3100 5571 (TM), 3100 5572 (TM), 3300 12-005 (MUP), 3500 12-017 (STP), 3500 12-018 (STP)

PDS (Department of Planning & Development Services) Planning and CEQA Comments					
Item	No.	Subject Area	Issue, Revision or Information Required	Issue Resolution Summary (Include Conditions)	Date Identified Date Resolved
13	23	General Plan Conformance - Bonsall Community Plan	Policy LU-5.2.2 Allow further reductions in minimum lot sizes indicated in Policy LU-5.2.1, through Planned Development, Lot Area Averaging, or Specific Plan projects only when setbacks, building scale, and design are appropriate to retain the equestrian and agricultural community character in the area.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	6/14/12 12/10/12 3/20/13 6/13/13
13	24	General Plan Conformance - Bonsall Community Plan	Goal LU-8.1 Infrastructure and public utilities that are provided concurrent to development in a manner compatible with community character while minimizing visual and environmental impacts.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	6/14/12 12/10/12 3/20/13 6/13/13
13	25	General Plan Conformance - Bonsall Community Plan	Policy LU-8.1.2 Provide development on an orderly, phased basis so that it will not overload public facilities.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	6/14/12 12/10/12 3/20/13 6/13/13
13	26	General Plan Conformance - Bonsall Community Plan	Goal LU-7.1 An adequate supply of water that meets current and projected needs of both residential and agricultural users in Bonsall CPA.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	6/14/12 12/10/12 3/20/13 6/13/13
13	27	General Plan Conformance - Bonsall Community Plan	Goal CM-1.1 A circulation system which preserves the rural character of the community and provides a safe, balanced transportation system, which includes automobile, bicycle, equestrian and pedestrian users.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	6/14/12 12/10/12 3/20/13 6/13/13
13	28	General Plan Conformance - Bonsall Community Plan	Policy CM-1.1.1 Reduce traffic volume on roads recognized as future "poor level of service" with methods such as, but not limited to, providing alternate routes and reducing density.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	6/14/12 12/10/12 3/20/13 6/13/13
13	29	General Plan Conformance - Bonsall Community Plan	Policy CM-1.1.3 Coordinate with Caltrans to design and construct State Route 79, East Vista Way (S13), and Interstate 15 to efficiently carry traffic through the Bonsall CPA. Design and construct interior roads, such as Camino del Rey, West Llag, Gopher Canyon, and Olive Hill to carry primarily local traffic and remain rural to the degree consistent with safety requirements.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	6/14/12 12/10/12 3/20/13 6/13/13

ATTACHMENT A **PROJECT ISSUE CHECKLIST**

PROJECT NAME: L'Jac Hills Ranch Master Planned Community

Project Number(s): 3800 12-001 (GPA), 3810 12-001 (SP), 3500 12-003 (REZ), 3100 5571 (TM), 3100 5572 (TM), 3300 12-005 (MUP), 3500 12-017 (STP), 3500 12-018 (STP)

PDS (Department of Planning & Development Services) Planning and CEQA Comments

Item	No.	Subject Area	Issue, Revision or Information Required	Issue Resolution Summary (Include Conditions)	Date Identified	Date Resolved
13	30	General Plan Conformance - Bonsall Community Plan	Policy CM-1.1.4 Prioritize the preservation and protection of sensitive habitats, such as wetlands, over road location, relocation, or realignment. Encourage all mitigation to be on-site and site-specific. Require mitigation within the Bonsall CPA where on-site and site-specific mitigation is not appropriate, whenever feasible.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	8/14/12 12/10/12 3/20/13	8/13/13
13	31	General Plan Conformance - Bonsall Community Plan	Policy CM-1.1.5 Minimize direct access points onto Mobility Element roads to produce unimpeded traffic flow in commercial areas. Require new Commercial development to provide, where possible, indirect access through the use of existing road access points, loop, or frontage roads, common driveways or similar means.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	8/14/12 12/10/12 3/20/13	8/13/13
13	32	General Plan Conformance - Bonsall Community Plan	Policy CM-1.1.6 Minimize the use of cul-de-sacs in the Bonsall CPA and require new subdivisions to provide local connectivity by providing linkages for long-term circulation improvement.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	8/14/12 12/10/12 3/20/13	8/13/13
13	33	General Plan Conformance - Bonsall Community Plan	Goal CM-4.1 A circulation system which preserves the rural character of the community and provides a safe, balanced transportation system, which includes automobile, bicycle, equestrian, and pedestrian users.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	8/14/12 12/10/12 3/20/13	8/13/13
13	34	General Plan Conformance - Bonsall Community Plan	Policy CM-4.1.2 Prohibit the use of all on street parking on Mobility Element Roads outside the Village Boundaries and require development to provide adequate on-site parking.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	8/14/12 12/10/12 3/20/13	8/13/13
13	35	General Plan Conformance - Bonsall Community Plan	Goal CM-5.1 Scenic routes where community character and natural resources are preserved by minimizing the impacts of public or private development along roadways in Bonsall.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	8/14/12 12/10/12 3/20/13	8/13/13
13	36	General Plan Conformance - Bonsall Community Plan	Policy CM-5.1.1 Design, maintain and/or improve scenic areas, road alignments, and realignments to minimize the alteration of the natural landscape by following the contours of the existing natural topography without sacrificing safety or sight distance criteria.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	8/14/12 12/10/12 3/20/13	8/13/13

ATTACHMENT A PROJECT ISSUE CHECKLIST

PROJECT NAME: Litch Hills Ranch Master Planned Community

Project Number(s) : 3800 12-001 (GPA), 3810 12-001 (SP), 3500 12-003 (REZ), 3100 5571 (TM), 3100 5572 (TM), 3300 12-005 (MUP), 3500 12-017 (STP), 3500 12-018 (STP)

POS (Department of Planning & Development Services) Planning and CEQA Comments

Item	No.	Subject Area	Issue, Revision or Information Required	Issue Resolution Summary (Include Conditions)	Date Identified	Date Resolved
13	37	General Plan Conformance - Bonsall Community Plan	Goal COS-1.1 The preservation of the unique natural and cultural resources of Bonsall and the San Luis Rey River and associated watershed, with continued support for its traditional rural and agricultural life-style.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	6/14/12 12/10/12 3/20/13	6/13/13
13	38	General Plan Conformance - Bonsall Community Plan	Policy COS-1.1.4 Require development to be compatible with adjacent natural preserves, sensitive habitat areas, agricultural lands, and recreation areas, or provide transition or buffer areas.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	6/14/12 12/10/12 3/20/13	6/13/13
13	39	General Plan Conformance - Bonsall Community Plan	Goal COS-1.2 The continuation of agriculture as a prominent use throughout the Bonsall community.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	6/14/12 12/10/12 3/20/13	6/13/13
13	40	General Plan Conformance - Bonsall Community Plan	Policy COS-1.2.1 Encourage the protection of areas designated for agricultural activities from scattered and incompatible urban intrusions, along with the provision of greenbelt/buffers between agricultural zoning and urban zoning.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	6/14/12 12/10/12 3/20/13	6/13/13
13	41	General Plan Conformance - Bonsall Community Plan	Policy COS-1.2.2 Encourage the use of agriculture easements in the CPA, especially as part of the Conservation Subdivision Program, while maintaining community character with rural and semi-rural homes.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	6/14/12 12/10/12 3/20/13	6/13/13
13	42	General Plan Conformance - Bonsall Community Plan	Policy COS-1.2.3 Require development to minimize potential conflicts with adjacent agricultural operations, through the incorporation of adequate buffers, setbacks, and project design measures to protect surrounding agriculture and support local and state right-to-farm regulations.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	6/14/12 12/10/12 3/20/13	6/13/13

ATTACHMENT A PROJECT ISSUE CHECKLIST

PROJECT NAME: Litch Hills Ranch Master Planned Community

Project Number(s): 3800 12-001 (GPA), 3810 12-001 (SP), 3600 12-003 (REZ), 3100 5571 (TM), 3100 5572 (TM), 3300 12-005 (MUP), 3300 12-017 (STP), 3500 12-018 (STP)

POS (Department of Planning & Development Services) Planning and CEQA Comments

Item	No.	Subject Area	Issue, Revision or Information Required	Issue Resolution Summary (Include Conditions)	Date Identified	Date Resolved
13	43	General Plan Conformance - Bonsall Community Plan	Policy COS-1.3.3 Preserve and encourage wildlife corridors including buffer areas, which are essential to the long-term viability of wildlife populations, through open space easements, public acquisition, or other appropriate means. The width of the easement will depend on the type of wildlife using the corridor and the natural topography, plus an appropriate buffer (as determined by a certified wildlife biologist) on either side of the corridor, where feasible.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	6/14/12 12/10/12 3/20/13	6/13/13
13	44	General Plan Conformance - Bonsall Community Plan	Goal COS-1.4 An "astronomical dark sky" that retains the rural setting and facilitates the astronomical research in San Diego County and the continued operation of the Mt. Palomar observatory.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	6/14/12 12/10/12 3/20/13	6/13/13
13	45	General Plan Conformance - Bonsall Community Plan	Policy COS-1.4.1 Discourage street lighting, unless necessary for safety. Require street lighting to meet basic safety standards and the County Light Pollution Code, Ordinance #7155.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	6/14/12 12/10/12 3/20/13	6/13/13
13	46	General Plan Conformance - Bonsall Community Plan	Policy COS-1.5.1 – Require adequate setbacks from all watercourses and drainages to protect property, improve water quality, provide buffer for riparian habitat and wildlife, and enhance aesthetic quality of the riparian environment.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	6/14/12 12/10/12 3/20/13	6/13/13
13	47	General Plan Conformance - Bonsall Community Plan	Goal COS-1.8 Important historic and prehistoric archaeological resources are identified and preserved through adequate protection for new sites, as they are discovered.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	6/14/12 12/10/12 3/20/13	6/13/13
13	48	General Plan Conformance - Bonsall Community Plan	Policy COS-1.8.1 Prevent development, trenching, grading, clearing and grubbing and other related activities that can be damaging to significant prehistoric or historic sites.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	6/14/12 12/10/12 3/20/13	6/13/13
13	49	General Plan Conformance - Bonsall Community Plan	Goal COS-2.1 A balanced system of local parks, open space, riding and hiking trails, with outdoor recreation facilities and services, which incorporate the outstanding natural features of the CPA and meet the needs of the residents of the Bonsall community.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	6/14/12 12/10/12 3/20/13	6/13/13

ATTACHMENT A PROJECT ISSUE CHECKLIST

PROJECT NAME: Llac Hills Ranch Master Planned Community

Project Number(s): 3800 12-001 (GPA), 3810 12-001 (SP), 3500 12-003 (REZ), 3100 5571 (TM), 3100 5572 (TM), 3300 12-005 (MUP), 3500 12-017 (STP), 3500 12-018 (STP)

PDS (Department of Planning & Development Services) Planning and CEQA Comments

Item	No.	Subject Area	Issue, Revision or Information Required	Issue Resolution Summary (Include Conditions)	Date Identified	Date Resolved
13	50	General Plan Conformance - Bonsall Community Plan	Policy COS-2.1.1 Encourage the acquisition and development of parklands that will protect outstanding, scenic, and riparian areas, and cultural, historical, and biological resources.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	6/14/12 12/10/12 3/20/13	6/13/13
13	51	General Plan Conformance - Bonsall Community Plan	Policy COS-2.1.4 Require appropriate wetland preservation buffers in recreational facilities located adjacent to wetlands to use parkland to provide a transition to the wetland buffer area and buffers for additional passive recreational uses, as permitted.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	6/14/12 12/10/12 3/20/13	6/13/13
13	52	General Plan Conformance - Bonsall Community Plan	Policy COS-2.1.5 Coordinate with the Bonsall Community Sponsor Group on the future siting, naming, and planning of community parks in Bonsall.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	6/14/12 12/10/12 3/20/13	6/13/13
13	53	General Plan Conformance - Bonsall Community Plan	Policy COS-3.1.1 Encourage agricultural and equestrian open spaces and only encourage linking of open space if it is biological and supports a wildlife corridor system.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	6/14/12 12/10/12 3/20/13	6/13/13
13	54	General Plan Conformance - Bonsall Community Plan	GOAL S-1 Adequate law enforcement, fire protection, and emergency services that contribute to a safe living and working environment for the residents of Bonsall.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	6/14/12 12/10/12 3/20/13	6/13/13
13	55	General Plan Conformance - Bonsall Community Plan	Policy S-1.1 Support the provision of adequate law enforcement, fire protection, and emergency services for the residents of Bonsall.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	6/14/12 12/10/12 3/20/13	6/13/13
13	56	General Plan Conformance - Bonsall Community Plan	GOAL N-1 Protect and enhance Bonsall's acoustical environment by supporting the control of noise at its source, along its transmission path and at the site of sensitive receivers. Maintain an environment free of excessive noise by providing control of noise at its source.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	6/14/12 12/10/12 3/20/13	6/13/13
13	57	General Plan Conformance - Bonsall Community Plan	Policy N-1.1 Require site design and building design controls to minimize noise emissions from noise sources.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	6/14/12 12/10/12 3/20/13	6/13/13

ATTACHMENT A PROJECT ISSUE CHECKLIST

PROJECT NAME: Liñac Hills Ranch Master Planned Community

Project Number(s): 3800 12-004 (GPA), 3810 12-004 (SP), 3500 12-003 (REZ), 3400 3571 (TM), 3400 3572 (TM), 3300 12-005 (MUP), 3500 12-017 (STP), 3500 12-018 (STP)

PDS (Department of Planning & Development Services) Planning and CEQA Comments

Item	No.	Subject Area	Issue, Revision or Information Required	Issue Resolution Summary (Include Conditions)	Date Identified	Date Resolved
13	58	General Plan Conformance - Bonsall Community Plan	Policy N-1.2 Encourage land use and circulation patterns, which will minimize noise in residential neighborhoods and sensitive wildlife habitat.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	6/14/12 12/10/12 3/20/13	6/13/13
13	59	General Plan Conformance - Bonsall Community Plan	Policy N-1.3 Support limiting truck traffic to designated routes to reduce noise in residential areas.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	6/14/12 12/10/12 3/20/13	6/13/13
13	60	General Plan Conformance - Bonsall Community Plan	Section 6, Specific Plans and Special Study Areas.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	6/14/12 12/10/12 3/20/13	6/13/13
13	61	General Plan Conformance - Valley Center Community Plan	The Background section of the Valley Center Community Plan indicates that the "2010 SANDAG estimates for population and housing in the Valley Center CPA identify a population of 17,582 with a total of 6,573 housing units." The project would further increase the population and total number of housing units within the community.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	6/14/12 12/10/12 3/20/13	6/13/13

ATTACHMENT A PROJECT ISSUE CHECKLIST

PROJECT NAME: Lilac Hills Ranch Master Planned Community

Project Number(s): 3800 12-001 (GPA), 3810 12-001 (SP), 3600 12-003 (REZ), 3100 5574 (TM), 3100 5572 (TM), 3300 12-005 (MUP), 3500 12-017 (STP), 3500 12-018 (STP)

PDS (Department of Planning & Development Services) Planning and CEQA Comments

Item	No.	Subject Area	Issue, Revision or Information Required	Issue Resolution Summary (Include Conditions)	Date Identified	Date Resolved
		General Plan Conformance - Valley Center Community Plan	Community Character Goal Preserve and enhance the rural character of Valley Center by maintaining a pattern of land use consistent with the following regional categories. a. Village Enhance the rural village character of valley center's north and south villages defined by the current nodes of industrial, commercial and higher density village residential land use designations. b. Semi-rural lands preserve and maintain the overall rural and agricultural character of the semi-rural areas. c. Rural lands preserve and maintain the overall rural and agricultural character of the rural lands area outside the semi-rural area.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	6/14/12 12/10/12 3/20/13	6/13/13
13	62					
		General Plan Conformance - Valley Center Community Plan	Figure 2. Valley Center Context Map.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	6/14/12 12/10/12 3/20/13	6/13/13
13	63					
		General Plan Conformance - Valley Center Community Plan	Community Character Policy 1: Require that future projects are consistent with the goals, policies, and recommendations contained in the Valley Center Community Plan.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	6/14/12 12/10/12 3/20/13	6/13/13
13	64					
		General Plan Conformance - Valley Center Community Plan	Community Character Policy 2: Maintain the existing rural character of Valley Center in future developments by prohibiting monotonous tract developments. Require site design that is consistent with the rural community character.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	6/14/12 12/10/12 3/20/13	6/13/13
13	65					

ATTACHMENT A PROJECT ISSUE CHECKLIST

PROJECT NAME: Liñac Hills Ranch Master Planned Community

Project Number(s): 3800 12-001 (GPA), 3810 12-001 (SP), 3600 12-003 (REZ), 3100 5571 (TM), 3100 5572 (TM), 3300 12-005 (MUP), 3500 12-017 (STP), 3500 12-018 (STP)

PDS (Department of Planning & Development Services) Planning and CEQA Comments

Item	No.	Subject Area	Issue, Revision or Information Required	Issue Resolution Summary (Include Conditions)	Date Identified	Date Resolved
		General Plan Conformance - Valley Center Community Plan	Land Use General Goals Two economically viable and socially vibrant villages where dense residential uses, as well as commercial and industrial uses, are contained.			
13	08		A pattern of development that conserves valley center's natural beauty and resources, and retains valley center's rural character. A pattern of development that accommodates people of diverse ages, lifestyles, occupations, and interests with opportunities for village, semi-rural and rural living. Development that maintains valley center's rural character through appropriate location and suitable site design.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	6/14/12 12/10/12 3/20/13	6/13/13
13	07	General Plan Conformance - Valley Center Community Plan	Figure 3, Valley Center Village Boundaries	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	6/14/12 12/10/12 3/20/13	6/13/13
13	08	General Plan Conformance - Valley Center Community Plan	A. Environmental Concerns and Issues: 1. Require that discretionary permits preserve environmentally significant and/or sensitive resources such as undisturbed steep slopes, canyons, floodplains, ridge tops and unique scenic views in order to reinforce the rural character of the area through sensitive site design and, where appropriate, with open space easements. 2. Require preservation of unique features such as oak woodlands, riparian habitats, steep slopes, archaeological sites, and ecologically sensitive areas. 3. Prohibit ridge line residential development unless it can be shown through a viewshed analysis that there would be only minimal impact to adjacent properties.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	6/14/12 12/10/12 3/20/13	6/13/13

ATTACHMENT A **PROJECT ISSUE CHECKLIST**

PROJECT NAME: Lilac Hills Ranch Master Planned Community

Project Number(s): 3800-12-001 (GPA), 3810-12-001 (SP), 3600-12-003 (REZ), 3100-5574 (TM), 3100-5572 (TM), 3300-12-005 (MUP), 3500-12-017 (STP), 3500-12-018 (STP)

PDS (Department of Planning & Development Services) Planning and CEQA Comments

Item	No.	Subject Area	Issue, Revision or Information Required	Issue Resolution Summary (Include Conditions)	Date Identified	Date Resolved
		General Plan Conformance - Valley Center Community Plan	<p>B. Rural Compatibility Issues:</p> <p>4. Require new residential development to adhere to site design standards which are consistent with the character and scale of a rural community. The following elements are particularly important:</p> <ul style="list-style-type: none"> • Roads that follow topography and minimize grading; • Built environment that is integrated into the natural setting and topography; • Grading that follows natural contours and does not disturb the natural terrain; • Structure design and siting that allows preservation of the site's natural assets; • Retention of natural vegetation, agricultural groves, rock outcroppings, riparian habitats and drainage areas. <p>5. Require new residential development to construct roads that blend into the natural terrain and avoid "urbanizing" improvements such as widening, straightening, flattening and the installation of curbs, gutters, and sidewalks. Follow Valley Center's Community Right of Way Development Standards.</p> <p>6. Buffer residential areas from incompatible activities which create heavy traffic, noise, odors, dust, and unsightly views through the use of landscaping and preservation of open space.</p>	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	6/14/12 12/10/12 3/20/13	6/13/13

ATTACHMENT A **PROJECT ISSUE CHECKLIST**

PROJECT NAME: Liñac Hills Ranch Master Planned Community

Project Number(s): 3800 12-001 (GP/A), 3810 12-001 (SP), 3600 12-003 (REZ), 3100 5571 (TM), 3100 5572 (TM), 3300 12-005 (MUP), 3500 12-017 (STP), 3500 12-018 (STP)

PDS (Department of Planning & Development Services) Planning and CEQA Comments						
Item	No.	Subject Area	Issue, Revision or Information Required	Issue Resolution Summary (Include Conditions)	Date Identified	Date Resolved
		General Plan Conformance - Valley Center Community Plan	Clustering 7. Clustering, planned development, lot area averaging, and Specific Plan projects which utilize the clustering technique shall in no instance within the Valley Center CPA be used to create a greater number of lots than the property would have been entitled to without the use of the above mentioned techniques. Yield calculations shall be subject to the Resource Protection Ordinance. 8. Once the appropriate number of lots has been established, the developer may elect to "cluster" or "lot area average" to lots of a minimum 0.5 acre in size in a Specific Plan Area Land Use Designation, no minimum lot size in the Village Area and a minimum lot size of 0.5 acre in size in SR-1, 1 acre in SR-2, 2 acres in SR-4, and 2.5 acres in SR-10 provided the project is sewerred, and providing that: a. The property contains significant environmental resources (such as important, rare, or endangered biological and/or animal habitat, floodplains, drainages, rock outcroppings, or archaeological and cultural resources) which would best be protected and preserved through the irrevocable dedication of these areas as Open Space easements to the County or another approved conservation agency. AND: b. Forty (40) percent of the gross acreage of the property is placed into permanent open space. Whenever possible, a link should be provided between all open space uses within the property.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	8/14/12 12/10/12 3/20/13	8/13/13
13	71	General Plan Conformance - Valley Center Community Plan	Commercial Goals 1. Prohibit strip commercial development by containing commercial uses in the Cole Grade Road and Valley Center Road area and the Miral de Valle Road and Valley Center Road area.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	8/14/12 12/10/12 3/20/13	8/13/13

ATTACHMENT A **PROJECT ISSUE CHECKLIST**

PROJECT NAME: Ujac Hills Ranch Master Planned Community

Project Number(s): 3800-12-001 (GPA), 3810-12-001 (SP), 3850-12-003 (REZ), 3100-5571 (TM), 3100-5572 (TM), 3300-12-005 (MMP), 3500-12-017 (STP), 3500-12-018 (STP)

POB (Department of Planning & Development Services) Planning and CEQA Comments

Item	No.	Subject Area	Issue, Revision or Information Required	Issue Resolution Summary (Include Conditions)	Date Identified	Date Resolved
13	72	General Plan Conformance - Valley Center Community Plan	2. Require new commercial development to comply with the Design Guidelines for Valley Center including, but not limited to, the retention of significant natural features characteristic of the community's landscape. Existing topography, land forms, drainage courses, rock outcroppings, vegetation and viewshed shall be incorporated in the design of the future development of commercial land via the "B" Community Design Area.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	6/14/12 12/10/12 3/20/13	6/13/13
13	73	General Plan Conformance - Valley Center Community Plan	3. Ensure that all commercial areas are served by Mobility Element roads or local roads which meet the standards of the County of San Diego. Whenever possible, require new commercial development to provide secondary road access as opposed to access from major through roads.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	6/14/12 12/10/12 3/20/13	6/13/13
13	74	General Plan Conformance - Valley Center Community Plan	4. Commercial and civic uses shall be located in areas which have adequate roads for circulation and provide easy and safe multi-purpose pathways and trails.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	6/14/12 12/10/12 3/20/13	6/13/13
13	75	General Plan Conformance - Valley Center Community Plan	5. Future commercial development shall be planned so that strip commercial development will be avoided.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	6/14/12 12/10/12 3/20/13	6/13/13
13	76	General Plan Conformance - Valley Center Community Plan	6. Commercial/civic uses shall not interfere either functionally or visually with adjacent land uses or the rural atmosphere of the community.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	6/14/12 12/10/12 3/20/13	6/13/13
13	77	General Plan Conformance - Valley Center Community Plan	7. Commercial/civic uses shall be periodically reviewed to ensure that the standards for noise, light, traffic, odors and all other conditions of approval are continuing to be met.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	6/14/12 12/10/12 3/20/13	6/13/13
13	78	General Plan Conformance - Valley Center Community Plan	8. Discourage commercial and civic uses outside of the Villages and limit all such uses to those that are clearly demonstrated as needed and which are compatible with the rural lifestyle of the Valley Center Community Plan.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	6/14/12 12/10/12 3/20/13	6/13/13

ATTACHMENT A PROJECT ISSUE CHECKLIST

PROJECT NAME: Ulahe Hills Ranch Master Planned Community

Project Number(s): 3800 12-001 (GPA), 3810 12-001 (SP), 3600 12-003 (REZ), 3100 5574 (TM), 3100 5572 (TM), 3300 12-005 (MUP), 3500 12-017 (STP), 3500 12-018 (STP)

PDS (Department of Planning & Development Services) Planning and CEQA Comments

Item No.	Subject Area	Issue, Revision or Information Required	Issue Resolution Summary (Appendix C, Comments)	Date Identified	Date Resolved
13 79	General Plan Conformance - Valley Center Community Plan	9. The application of Land Use Designation Semi-Rural 2nd Regional Category of Semi-Rural Lands are proposed for those properties that are currently zoned commercial and are located outside of the Villages.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	6/14/12 12/10/12 3/20/13	6/13/13
13 80	General Plan Conformance - Valley Center Community Plan	Agricultural Goals 1. Support agricultural uses and activities throughout the CPA, by providing appropriately zoned areas in order to ensure the continuation of an important rural lifestyle in Valley Center.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	6/14/12 12/10/12 3/20/13	6/13/13
13 81	General Plan Conformance - Valley Center Community Plan	3. Prohibit residential development which would have an adverse impact on existing agricultural uses.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	6/14/12 12/10/12 3/20/13	6/13/13
13 82	General Plan Conformance - Valley Center Community Plan	Specific Plan Areas (SPA) section.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	6/14/12 12/10/12 3/20/13	6/13/13
13 83	General Plan Conformance - Valley Center Community Plan	Figure 4: Valley Center Generalized Specific Plans.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	6/14/12 12/10/12 3/20/13	6/13/13
13 84	General Plan Conformance - Valley Center Community Plan	Mobility Goals 1. Where appropriate, minimize private driveway and private road access on to Mobility Element roads.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	6/14/12 12/10/12 3/20/13	6/13/13
13 85	General Plan Conformance - Valley Center Community Plan	2. Road design shall reflect the rural character and needs unique to the Planning Area. For example, turn radii shall be such that agricultural vehicles and equestrian rigs can be safely accommodated.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	6/14/12 12/10/12 3/20/13	6/13/13
13 86	General Plan Conformance - Valley Center Community Plan	3. Conflicting traffic movements such as uncontrolled access and uncontrolled intersections shall be minimized.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	6/14/12 12/10/12 3/20/13	6/13/13

ATTACHMENT A PROJECT ISSUE CHECKLIST

PROJECT NAME: Liac Hills Ranch Master Planned Community

Project Number(s): 3800 12-001 (GPA), 3810 12-001 (SP), 3500 12-003 (REZ), 3100 5571 (TM), 3100 5572 (TM), 3300 12-005 (MJP), 3500 12-017 (STP), 3500 12-018 (STP)

PDS (Department of Planning & Development Services) Planning and CEQA Comments					
Item No.	Subject Area	Issue, Revision or Information Required	Issue Resolution Summary (Response, Comments)	Date Identified	Date Resolved
13	87 General Plan Conformance - Valley Center Community Plan	4. Road alignment shall minimize the necessity of altering the landscape by following, as much as possible, the contours of the existing, natural topography without sacrificing safety or sight distance criteria.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	6/14/12 12/10/12 3/20/13	6/13/13
13	88 General Plan Conformance - Valley Center Community Plan	5. Required roadside and median landscaping shall reflect standards as outlined in the Valley Center Design Guidelines.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	6/14/12 12/10/12 3/20/13	6/13/13
13	89 General Plan Conformance - Valley Center Community Plan	6. Existing trees and vegetation located within the "Right-of-Way" of all public roads, and determined to be of significant visual benefit shall be transplanted or replaced consistent with the Valley Center Design Guidelines.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	6/14/12 12/10/12 3/20/13	6/13/13
13	90 General Plan Conformance - Valley Center Community Plan	7. To promote unimpeded traffic flow in commercial areas, minimize direct access points on to Mobility Element roads by recommending new commercial development to provide indirect access through the use of existing road access points, loop or frontage roads, common driveways or similar means.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	6/14/12 12/10/12 3/20/13	6/13/13
13	91 General Plan Conformance - Valley Center Community Plan	8. Woods Valley Road from Valley Center Road, east to Paradise Mountain Road and, Liac Road from Old Castle Road to Highway 76 are significant aesthetic resources. Future improvements should maintain as much of their original character as possible without compromising safety.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	6/14/12 12/10/12 3/20/13	6/13/13
13	92 General Plan Conformance - Valley Center Community Plan	9. Require that the road system function at a service level no worse than "C" at peak hours as development occurs.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	6/14/12 12/10/12 3/20/13	6/13/13
13	93 General Plan Conformance - Valley Center Community Plan	10. Right-of-way development standards for private roads shall be compatible with the standards as outlined in Policy 6 of this section.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	6/14/12 12/10/12 3/20/13	6/13/13

ATTACHMENT A **PROJECT ISSUE CHECKLIST**

PROJECT NAME: Linc Hills Ranch Master Planned Community

Project Number(s): 3800 12-001 (GPA), 3810 12-001 (SP), 3500 12-003 (REZ), 3100 5571 (TM), 3100 5572 (TM), 3300 12-005 (MUP), 3500 12-017 (STP), 3500 12-018 (STP)

PDJ (Department of Planning & Development Services) Planning and CEQA Comments

Item	No.	Subject Area	Issue, Revision or Information Required	Issue Resolution Summary (Methods, Conditions)	Date Identified	Date Resolved
13	94	General Plan Conformance - Valley Center Community Plan	11. Implement community right-of-way development standards for the Valley Center Planning Area to achieve a rural character and alternative features within the shoulder portion of dedicated right-of-way. Such improvements will identify the community's desire to modify County development standards permitted by Board of Supervisors Policy J-38. These standards shall include: a. Provide decomposed granite walking/jogging paths in lieu of sidewalks; b. Where edge of pavement barrier is necessary, use mountable asphalt dike (snake dike); and c. Provide a bike lane within the "travel way".	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	6/14/12 12/10/12 3/20/13	6/13/13
13	95	General Plan Conformance - Valley Center Community Plan	12. Access to new subdivisions shall be carefully examined. Where a clear circulation need which benefits the overall community can be demonstrated, public roads consistent with Department of Public works policy shall be dedicated and constructed. Where appropriate, future subdivisions shall be required to access public roads via at least two separate access points.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	6/14/12 12/10/12 3/20/13	6/13/13
13	96	General Plan Conformance - Valley Center Community Plan	13. Safety separate pedestrian, equestrian and bicycle traffic from vehicular traffic when these modes share rights-of-way.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	6/14/12 12/10/12 3/20/13	6/13/13
13	97	General Plan Conformance - Valley Center Community Plan	Fire Protection Goals 1. All new development utilizing imported water shall provide infrastructure for fire suppression (such as pipes and hydrants) in accordance with the prevailing standards.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	6/14/12 12/10/12 3/20/13	6/13/13
13	98	General Plan Conformance - Valley Center Community Plan	3. New site locations for fire stations within the plan area should be centrally and strategically located.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	6/14/12 12/10/12 3/20/13	6/13/13

ATTACHMENT A **PROJECT ISSUE CHECKLIST**

PROJECT NAME: Llac Hills Ranch Master Planned Community

Project Number(s) : 3800 12-001 (CPA), 3810 12-001 (SP), 3600 12-003 (REZ), 3100 5574 (TM), 3100 5572 (TM), 3300 12-005 (MUP), 3500 12-017 (STP), 3500 12-018 (STP)

PDS (Department of Planning & Development Services) Planning and CEQA Comments

Item	No.	Subject Area	Issue, Revision or Information Required	Issue Resolution Summary (Required, Recommended)	Date Identified	Date Resolved
13	98	General Plan Conformance - Valley Center Community Plan	School Facilities 1. Coordinate school facility planning with residential development to ensure that school facilities will be available to accommodate the increase in enrollment without overcrowding.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	6/14/12 12/10/12 3/20/13	6/13/13
13	100	General Plan Conformance - Valley Center Community Plan	2. Develop schools in conjunction with neighborhood and community recreation facilities.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	6/14/12 12/10/12 3/20/13	6/13/13
13	101	General Plan Conformance - Valley Center Community Plan	Water Service Goal 2. The delivery of improved water service to the CPA shall be coordinated and the infrastructure adequately sized so that service can be provided to all land within the Valley Center Municipal Water District Territory in a cost effective manner.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	6/14/12 12/10/12 3/20/13	6/13/13
13	102	General Plan Conformance - Valley Center Community Plan	Open Space Goals 3. Incorporate publicly and semi-publicly owned land into a functional recreation/open space system wherever feasible.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	6/14/12 12/10/12 3/20/13	6/13/13
13	103	General Plan Conformance - Valley Center Community Plan	5. Design new residential development in a way that preserves an atmosphere of openness and access to surrounding open space.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	6/14/12 12/10/12 3/20/13	6/13/13
13	104	General Plan Conformance - Valley Center Community Plan	Parks and Recreation Goals 3. Development of local and neighborhood park and recreation facilities will be coordinated with local school facilities whenever possible by establishing Joint Powers Agreements to promote joint development, operation and maintenance.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	6/14/12 12/10/12 3/20/13	6/13/13
13	105	General Plan Conformance - Valley Center Community Plan	7. All park lands dedicated in conjunction with the development of a Specific Plan Area (SPA) land use designation will consist of a reasonable amount of flat land suitable for play fields and other similar local park activities.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	6/14/12 12/10/12 3/20/13	6/13/13

ATTACHMENT A PROJECT ISSUE CHECKLIST

PROJECT NAME: Utac Hills Ranch Master Planned Community

Project Number(s): 3800 12-001 (GPA), 3810 12-001 (SP), 3600 12-003 (REZ), 3100 5571 (TM), 3100 5572 (TM), 3300 12-005 (MMP), 3500 12-017 (STP), 3500 12-018 (STP)

PDS (Department of Planning & Development Services) Planning and CEQA Comments

Item	No.	Subject Area	Issue, Revision or Information Required	Issue Resolution Summary (Include Conditions)	Date Identified	Date Resolved
13	106	General Plan Conformance - Valley Center Community Plan	8. Development of park facilities shall comply with the County's Ordinance No. 7155 relating to the regulation of Light Pollution.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	6/14/12 12/10/12 3/20/13	6/13/13
13	107	General Plan Conformance - Valley Center Community Plan	9. Provide riding and hiking trails, staging areas and other facilities within existing or proposed parks when appropriate to complement the Valley Center Trails System.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	6/14/12 12/10/12 3/20/13	6/13/13
13	108	General Plan Conformance - Valley Center Community Plan	Noise Goals 1. Develop and implement land use plans and circulation patterns that will minimize noise in residential neighborhoods.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	6/14/12 12/10/12 3/20/13	6/13/13
13	109	General Plan Conformance - Valley Center Community Plan	2. Permit residential development in areas with projected exterior Community Noise Equivalent Levels (CNELs) exceeding 60 decibels near main roads only when traffic noise impacts can be mitigated.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	6/14/12 12/10/12 3/20/13	6/13/13
13	110	General Plan Conformance - Valley Center Community Plan	3. Design subdivisions to retain natural and landscaped sound barriers in preference to earth berms or walls, where they are needed.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	6/14/12 12/10/12 3/20/13	6/13/13
13	111	General Plan Conformance - Valley Center Community Plan	4. Encourage the use of buffering devices on off-road vehicles and provide strict enforcement of noise regulations for off-road vehicles.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	6/14/12 12/10/12 3/20/13	6/13/13
13	112	General Plan Conformance - Valley Center Community Plan	5. Minimize traffic noise impacts by means of roadway alignment and design and the management of traffic flows.	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	6/14/12 12/10/12 3/20/13	6/13/13
13	113	General Plan Conformance - Valley Center Community Plan	6. Encourage activities to increase public awareness of and enrollment in the Department of Agriculture program pursuant to the Agricultural Enterprises and Consumer Information Ordinance. (This Ordinance was designed to protect established farm operations from being declared a nuisance when following accepted agricultural practices.)	The projects conformance with the General Plan is addressed in the Specific Plan and Land Use section of the EIR.	6/14/12 12/10/12 3/20/13	6/13/13

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August 15, 2013

VIA EMAIL

Mark Slovick
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Subject: DEIR Public Comment to the Proposed Accretive Lilac Hills Ranch General Plan Amendment and Specific Plan PDS2012-3800-12-001(GPA),PDS2012-3810-12-001 (SP), Inadequacy of Growth-Inducing Impacts Analysis Lilac Hills Ranch (LHR) Draft Environmental Impact Report (DEIR)

Dear Mr. Slovick:

This law firm represents Heart of Valley Center, a California non-profit corporation. We submit the following comments on the LHR DEIR analysis of Growth Inducing Impacts located at Chapter 1.0, pp. 1-37 through 1-43 of the DEIR. The DEIR adopts factually unsupported premises and misstates facts concerning the existence of current infrastructure which are directly contradicted in other portions of the DEIR. The DEIR omits discussion and analysis of reasonably foreseeable and obvious ways this project will foster growth. The DEIR's conclusions concerning growth inducing impacts are therefore suspect, not adequately analyzed and not supported by substantial evidence. This portion of the DEIR should be rewritten and recirculated for public review.

CEQA requires a detailed statement setting forth the growth inducing impact of the proposed project. Pub. Res. Code §21100(b)(5). An adequate discussion of growth inducing impacts requires compliance with Guideline section 15126.2(d) which provides:

Growth-Inducing Impact of the Proposed Project. Discuss the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Included in this are projects which would remove obstacles to population growth (a major expansion of a waste water treatment plant might, for example, allow for more construction in service areas). Increases in the population may tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects. Also discuss

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the characteristic of some projects which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.

As drafted, the growth inducing impacts analysis in the DEIR fails to comply with CEQA requirements. The DEIR adopts strained and unsupported conclusions concerning this Project's growth inducing impacts. Contrary to the DEIR's unsubstantiated and unsupported conclusions concerning growth inducement and as more fully discussed below:

1. The LHR general plan amendment and project addition of 1,746 homes and 90,000 square feet of commercial area will foster economic and population growth in a rural, agricultural area and the construction of additional housing, both directly and indirectly, in the surrounding environment.
2. The LHR project will remove obstacles to population growth by the expansion of the Lower Moosa Canyon WRF or by construction of an entirely new water treatment and reclamation facility (DEIR Chapter 3.0 pp. 3-109-3-113).
3. The DEIR's traffic impacts analysis recognizes and acknowledges that increases in the population resulting from the LHR project will tax existing community service facilities, including roads and intersections (DEIR Subchapter 2.3 Transportation/Traffic pp. 2.3-1- 2.3-3 outlining multiple significant project traffic impacts).

As a preliminary matter, the DEIR adopts factually unsupported premises and misstates facts concerning the existence of current infrastructure. This fundamental failure to accurately describe current infrastructure undermines any conclusions reached with respect to growth inducement.

The DEIR incorrectly and incompletely states: *"Typical obstacles to growth include a lack of services and infrastructure **which are not present in this area**. The project area is positioned in proximity to the I-15 and within existing districts for sewer water and fire service. There is an adequate road network offering multiple routes throughout the project and would ultimately connect with freeway ramps."* DEIR p. 1-37.

In reality and as discussed extensively elsewhere in the DEIR and in this letter, the DEIR acknowledges and recognizes the project's lack of infrastructure and services in the areas of roads, water, sewer and fire and a corresponding need for new infrastructure and services. Contrary to the growth inducement conclusions, the issue is not whether the project is located within an existing **district** for sewer, water or fire service. The issue is whether there are **services and infrastructure present** in the area. These obstacles to growth are indeed present in this rural, agricultural area which currently lacks wastewater service and contains few existing roads. Providing these services and infrastructure as part of the project presents a classic

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example of growth accommodating features designed to remove obstacles to population growth. The reality of these obstacles and the provision of increased infrastructure under the LHR Project must be acknowledged and made part of an adequate growth inducing impacts discussion.

Comments regarding 1.8.1 Growth Inducement Due to General Plan Amendment (Increases in Density) and 1.8.2 Growth Inducement Due to Construction of Additional Housing:

The DEIR acknowledges that the project “differs from the adopted General Plan and community plans in terms of land use, density, and overall number of units” (DEIR p. 1-37). Further, the DEIR indicates the adopted “VCCP designates the project site” at much lower densities: “Semi-Rural SR-4”; and the Bonsall Community Plan also designates the project site at lower densities as Semi-Rural SR-10 (DEIR p. 1-37). These current adopted plans would yield between 110-304 dwelling units or a population of approximately 120 to 346. Illogically, the DEIR nevertheless concludes that the 1,746 units and 5,185 people proposed by the LHR general plan amendment would not constitute a growth inducement due to a general plan amendment or due to the construction of additional housing. These conclusions are unsupportable and simply defy reason.

In reaching its conclusions regarding growth inducement, the DEIR also views the LHR project in complete isolation from its rural surroundings stating: “*By itself, the proposed project takes advantage of the location of the project site, but would not result in any change in density for surrounding areas....*” DEIR p. 1-37. This conclusion ignores the reality of development pressures which will be exerted on surrounding rural lands by the presence of an urbanized center.

The lands surrounding the proposed project (and some lands which the proposed project surrounds) will still be designated at lower semi-rural densities than the village densities proposed for the LHR Accretive SP/GPA. Into the future, these land owners will likely seek similar higher density treatment. The County has a reliable track record of justifying General Plan Amendments that increase density using the density of adjacent properties as precedent. The DEIR claims that this would not occur, but history and reality have proven otherwise.

The sprawling site also creates some 8 miles of edge effects that the GP currently designates for semi-rural residential land uses with agriculture, horticulture, and animal husbandry zoning. This sprawling shape increases the likelihood that the proposed project will be growth inducing, increasing urban land uses because of the extended edge effects of the proposed LHR Subdivision boundaries.

The DEIR refers to the PSR General Plan Amendment process that was directed by the Board of Supervisors and claims that the project is not growth inducing. However, the DEIR’s analysis is incomplete and its conclusion unsupported. The DEIR merely refers the reader to maps and a regional increase in dwelling units without any analysis of the increase of dwelling units for PSRs within the vicinity of the project site. The PSR/GPA process has not concluded. Approval is not a foregone conclusion and processing will be lengthy. It is more likely that

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approval of the Accretive LHR Project would justify and furnish a precedent for approval of the PSRs/GPAs in Valley Center, thus facilitating additional growth of this area.

The statistical analysis presented by the Applicant in subchapter *1.8.2.1 Housing Trends* does not reconcile with its referenced SANDAG sources. Please refer to *Attachment A - Valley Center and Bonsall analysis of SANDAG housing units*. In order to provide accurate Environmental Impact Assessment, please reconcile Attachment A to the DEIR subchapter *1.8.2.1 Housing Trends* statistical analysis and verify which analysis is correct.

With respect to the County's Housing Needs, as Table 2 p. 2 of Attachment B factually states, the combined Valley Center and Bonsall projected General Plan Residential Housing Units are expected to grow from 10,513 in 2010 to 14,944 in 2030 – a 42.1% growth **without the inclusion of the proposed LHR project**.

The overall San Diego County Housing Unit growth rate from 2010 to 2030 is 18.3%.

Valley Center and Bonsall have provided for more than their fair share of County growth in the General Plan and Community Plans. The LHR Project overburdens these communities in an area that lacks infrastructure to support the urban densities proposed (See discussion re: 1.8.4 and 1.8.5 below).

Comments regarding 1.8.3 Growth Inducement Due to Economic Stimulus

This section contains insufficient information and specifics concerning the proposed commercial development proposed by the LHR project to draw any conclusion concerning its growth inducement. The DEIR provides the following nebulous description: "Commercial uses are anticipated to include generally neighborhood-serving retail shops and services, restaurants, offices, along with a bed and breakfast." (DEIR p. 1-40). No attempt is made to quantify employment numbers, types of offices and businesses conducted or the cumulative impacts of the project's commercial development coupled with the regional commercial uses planned in proximity to the project area. The DEIR contains unfounded assumptions concerning the employees for the non-descript, undefined commercial uses as drawn from on-site residences and the immediate area. This section is based on assumptions, generalities and lacks analysis.

"[I]n order to fulfill its purpose as an informational document, the [D]EIR should, at a minimum, identify the number and type of housing units that persons working within the Project area can be anticipated to require, and identify the probable location of those units. The [D]EIR also should consider whether the identified communities have sufficient housing units and sufficient services to accommodate the anticipated increase in population. If it is concluded that the communities lack sufficient units and/or services, the [D]EIR should identify that fact and explain that action will need to be taken to provide those units or services, or both." *Napa Citizens for Honest Government v. Napa County Board of Supervisors* (2001) 91 Cal.App.4th 342, 370.

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Comments regarding 1.8.4 Growth Inducement Due to Construction/Improvement of Roadways and 1.8.5 Growth Inducement Due to Extension of Public Facilities

The LHR project introduces multiple growth accommodating features which remove obstacles to population by expansion of fire services, school facilities, water treatment facilities and roads. The DEIR's conclusions regarding growth inducement due to construction/improvement of roadways and due to provision of public facilities and services are not supported by the facts.

Expansion of Fire Services

The required LHR Project improvements to Fire Services include relocation of Fire Station facilities and addition of Type I Fire Engines and Emergency Medical Service vehicles and personnel to the area. These service improvements induce and facilitate urban growth in the area because the LHR Project will provide growth accommodating urban Fire Service Infrastructure.

Expansion of School Facilities

The addition of a K-8 Elementary and Middle School will provide growth accommodating facilities for residential growth to the area.

New and Expanded Wastewater Facilities

The current water infrastructure serves 50 homes and agricultural irrigation. There is no wastewater service for the project area. The DEIR acknowledges that: "VCMWD does not currently have the equipment necessary to serve the project within the perimeters of its allowable wastewater capacity" (DEIR p. 3-108); "VCMWD does not currently have wastewater capacity to serve the project at build-out" (DEIR p. 3-111); and the project will "result in an increase in wastewater treatment demand, which would require the need for new or expanded facilities (DEIR 3-109). However, the growth inducing impacts Conclusion at 1.8.6. item 6, p. 1-43, fails to acknowledge this lack of capacity and the need for new or expanded facilities and inaccurately states the "Lower Moosa Canyon WRF has adequate capacity to treat the water generated by the project." This is incorrect and to the extent it is being used to justify a conclusion of no growth inducement, it must be corrected and appropriately analyzed. Please refer to Letter of Mark Jackson to Mark Slovick re: DEIR Public Comments Regarding Water Quality Standards and Water Quality Impact Concerns dated July 31, 2013.

The Applicant does not have legal right-of-way on its "Preferred Route 3" for pipelines to connect to LMWRF. It is highly likely that Accretive has no feasible way to use the LMWRF, and if the LHR Project is approved, a separate, new tertiary Water Reclamation and Solids treatment facility will need to be built within the Subdivision's boundaries.

Whether the current facilities are expanded or a new Water Reclamation and Solids treatment facility is constructed, these infrastructure improvements and expansion will

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accommodate and facilitate residential and commercial growth to the area. Notably, this is precisely the type of growth inducing impact recognized by the CEQA Guidelines set forth above which state when describing the ways a project can foster growth: "Included in this are projects which would remove obstacles to population growth (a major expansion of a waste water treatment plant...)."

CEQA caselaw also recognizes this type of infrastructure expansion as a growth inducing impact. As stated in *Clover Valley Foundation v. City of Rocklin* (2011) 197 Cal.App.4th 200, 227: "the sewer improvements would provide part of the infrastructure required later to undertake construction of additional housing to the north and south of the project, thereby removing, euphemistically speaking, 'an obstacle to development': the present lack of sufficient sewer capacity. The additional development would indeed tax existing sewage capacity, so this project would alleviate that problem."

In addition, the DEIR should consider the growth inducing impacts of the project in conjunction with growth inducing impacts of the wastewater treatment expansion whether that expansion takes the form of an expansion to the existing Lower Moosa Canyon WRF or a new facility. In *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 733, the court found an EIR inadequate under CEQA which failed to describe the growth-inducing effects of the development project identified in the FEIR in conjunction with the growth-inducing effects of a sewer expansion. In fact, far from considering the cumulative growth inducing effects of the development project and the sewer expansion, the EIR in *San Joaquin Raptor*, like the LHR DEIR, "actually asserts the sewer expansion will *not* be growth inducing because it will 'only include capacity to serve the development within the project site.'"

This conclusion must be checked against any approvals for the Major Use Permit issued in 1994 by the County to double LMWRF capacity to 1.0 Million Gallons/Day (MGD) of influent. This increased capacity has not been implemented, nor to the best of our understanding have permits from other governmental agencies been issued to implement this expansion. The DEIR states the plant "has a rated capacity of 0.5 mgd; its discharge permit limits the total plant flow to 0.44 mgd" and "the average sewage flow to this treatment facility is approximately 0.35 mgd." (DEIR p. 3-108)

As such, the DEIR should examine and describe the "[p]otential creation of additional capacity beyond that capacity necessary to accommodate known residential growth." *San Joaquin Raptor*, 27 Cal.App.4th at 733. It is this potential excess sewer capacity which would then accommodate additional residential growth. There is also some question whether the project description which refers only to the project's MUP for a new WRF was improperly truncated as not including the possible expansion of the Lower Moosa Canyon WRF described at Chapter 3, pp. 3-109-3-112. In short, one cannot accurately discern the true growth-inducing effects of the entire development project on the surrounding community from the DEIR. *San Joaquin Raptor*, 27 Cal.App.4th at 733.

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Construction and Improvement of Roads

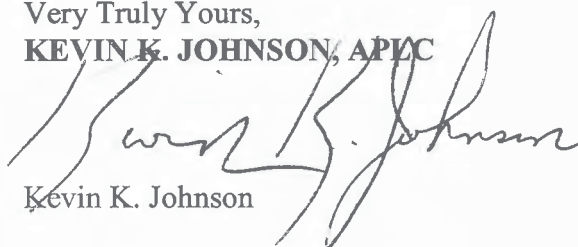
There are few existing roads in the project area. They are built and planned to service Semi-Rural and Rural development authorized by the County General Plan and Community Plan. While Accretive claims shockingly miniscule direct development impact for its 14.7 times increase in traffic on local Public Roads, the fact is that if the LHR Project proceeds, the Applicant would be required to substantially improve local public roads at the Developer's expense. These upgraded Public Roads would be a certain growth inducement to the area.

Conclusion

By introducing a higher density, urban development into a rural agricultural area, the LHR project will foster economic and population growth and the construction of additional housing, both directly and indirectly, in the surrounding environment. The LHR project will remove obstacles to population growth by the expansion of the Lower Moosa Canyon WRF or the alternate construction of a new water treatment facility. The DEIR recognizes and acknowledges that increases in the population resulting from the LHR project will tax existing community service facilities, including roads. In view of the foregoing, the DEIR's conclusions concerning growth inducement are unsupported and indefensible.

Very Truly Yours,

KEVIN K. JOHNSON, APIC

A handwritten signature in black ink, appearing to read "Kevin K. Johnson", is written over a light gray circular stamp. The signature is fluid and cursive.

Kevin K. Johnson

Attachment A: Valley Center and Bonsall Analysis of SANDAG Housing Units

cc: Claudia Anzures, Esq. (via email)
Mark Mead, Esq. (via email)

ATTACHMENT A

Valley Center and Bonsall bear more than a fair share of San Diego County General Plan growth before addition of the proposed Lilac Hills Ranch project -- infrastructure plans will not support Lilac Hills Ranch growth

The General Plan growth in housing units across the entire County of San Diego is summarized in Table 1 below.

Table 1 San Diego County General Plan Housing Unit Forecast 2010-2050

CPA	Housing Units				Percent Change			
	2010	2020	2030	2050	2010-2020	2020-2030	2030-2050	2010-50
Alpine	6,535	6,690	7,875	9,157	2.4%	17.7%	16.3%	40.1%
Barona	202	170	170	170	-15.8%	0.0%	0.0%	-15.8%
Bonsall	3,875	4,320	5,149	6,151	11.5%	19.2%	19.5%	58.7%
Central Mountain	2,182	2,305	2,589	2,735	5.6%	12.3%	5.6%	25.3%
County Islands	614	607	607	635	-1.1%	0.0%	4.6%	3.4%
Crest-Dehesa	3,562	3,677	3,926	3,978	3.2%	6.8%	1.3%	11.7%
Desert	3,546	3,453	4,337	6,923	-2.6%	25.6%	59.6%	95.2%
Fallbrook	15,929	16,535	18,559	20,387	3.8%	12.2%	9.8%	28.0%
Jamul-Dulzura	3,234	3,372	4,398	5,263	4.3%	30.4%	19.7%	62.7%
Julian	1,711	1,748	1,884	2,015	2.2%	7.8%	7.0%	17.8%
Lakeside	27,575	28,517	30,339	30,915	3.4%	6.4%	1.9%	12.1%
Mountain Empire	3,023	3,056	3,903	5,108	1.1%	27.7%	30.9%	69.0%
North County Metro	16,114	19,548	24,090	25,946	21.3%	23.2%	7.7%	61.0%
North Mountain	1,527	1,759	2,002	2,388	15.2%	13.8%	19.3%	56.4%
Otay	7	490	2,035	2,156	6900.0%	315.3%	5.9%	30700.0%
Pala-Pauma	1,980	2,285	3,037	4,399	15.4%	32.9%	44.8%	122.2%
Pendleton-De Luz	7,531	8,533	8,684	8,797	13.3%	1.8%	1.3%	16.8%
Rainbow	708	750	881	963	5.9%	17.5%	9.3%	36.0%
Ramona	12,376	12,692	14,107	15,140	2.6%	11.1%	7.3%	22.3%
San Dieguito	10,993	11,053	11,924	13,601	0.5%	7.9%	14.1%	23.7%
Spring Valley	20,533	20,939	21,837	21,952	2.0%	4.3%	0.5%	6.9%
Sweetwater	4,670	4,657	4,732	4,732	-0.3%	1.6%	0.0%	1.3%
Valle De Oro	15,543	15,648	16,022	15,968	0.7%	2.4%	-0.3%	2.7%
Valley Center	6,638	7,627	9,795	13,411	14.9%	28.4%	36.9%	102.0%
Unincorporated Area	170,608	180,431	202,882	222,890	5.8%	12.4%	9.9%	30.6%
San Diego County	1,158,076	1,262,488	1,369,807	1,529,090	9.0%	8.5%	11.6%	32.0%

SOURCE: SANDAG Profile Warehouse: 2050 Forecast

Please note that the Lilac Hills Ranch project is a General Plan Amendment, and is not included in the estimate of projected Housing Units in Table X-Y, which is based on the August 2011 San Diego County General Plan.

For the entire County of San Diego Housing Units are increasing 32 % from 2010 to 2050.

Valley Center Housing Units as reflected in the August 2011 General Plan are growing 102% from 2010 to 2050, **more than 3 times** the rate of the County overall. This growth is largely in the North and South Villages, which are located where suitable infrastructure is (Roads, Sewers, Schools) located in Valley Center. Because there are provisions in the General Plan to provide the requisite infrastructure to support village land use densities areas, the central Villages located in the traditional town center is the logical place for Valley Center to provide more than its fair share of housing for the County.

Bonsall Housing Units as reflected in the August 2011 General Plan are growing 59% from 2010 to 2050, **nearly 2 times** the rate of the County overall. Growth is also planned at the traditional town center, close to the intersection of SR-76 and Mission Road, where necessary infrastructure for dense, urban development is in either on the ground or planned (and funded) to be added shortly.

The combined composite effects of adding Lilac Hills Ranch in addition to General Plan growth is provided in Table 2 below:

Table 2 Bonsall and Valley Center Composite Housing Unit Analysis

					% Growth from 2010		
	Housing Units				2010 to 2020	2020 to 2030	2010 to 2050
	2010	2020	2030	2050	2020	2030	2050
Bonsall	3,875	4,320	5,149	6,151	11.5%	19.2%	58.7%
Valley Center	6,638	7,627	9,795	13,411	14.9%	28.4%	102.0%
Subtotal General Plan	10,513	11,947	14,944	19,562	13.6%	25.1%	86.1%
Lilac Hills Ranch (LHR)		746	1,746	1,746			
Total with LHR included	10,513	12,693	16,690	21,308	20.7%	31.5%	102.7%
Reference: SD County growth	1,158,076	1,262,488	1,369,807	1,529,090	9.0%	8.5%	32.0%

KEVIN K. JOHNSON, APLC

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TELEPHONE (619) 696-6211
FAX (619) 696-7516

August 6, 2013

VIA EMAIL

Mark Slovick
County of San Diego Planning and
Development Services
5510 Overland Avenue, Suite 310
San Diego, CA 92123
Email: mark.slovick@sdcounty.ca.gov

Subject: DEIR Public Comments to the Proposed Accretive Lilac Hills Ranch General Plan Amendment and Specific Plan PDS2012-3800-12-001(GPA), PDS2012-3810-12-001 (SP), Tentative Maps and Grading Plans

Dear Mr. Slovick:

Our firm represents Heart of Valley Center, a California Non-Profit Corporation. On behalf of a number of residents in the Valley Center community we have previously provided the County with clear evidence that Accretive does not have legal road easements useable for the purposes indicated in the LHR Specific Plan, Tentative Map, and Traffic Impact and related studies for Mountain Ridge and Covey Lane Private Roads. See our letters dated February 5, 2013 and May 29, 2013 attached hereto as Exhibits "A" and "B" respectively.

The issues raised in these letters should have been addressed and resolved in the DEIR. They are critical to whether or not the project can actually be built, what the actual environmental impacts will be and whether there are avoidance and/or mitigation options associated with the easement gaps. Also, the lack of easement rights prevents the project from being approved under the Subdivision Map Act (Gov. Code Sections 66410-66413.5)

In addition to the basic easement questions, there are critical Line of Sight issues; Irrevocable Offers of Dedication issues; prescriptive right issues and site specific biological issues that need to be addressed in the DEIR. These are addressed below.

Additional Information since our May 29, 2013 letter

Covey Lane/West Lilac Intersection - In our February 5, 2013 letter, we informed you that there is inadequate Sight Line Distance on the Covey Lane/West Lilac Public Road intersection. This statement was confirmed in a June 25, 2013 Sight Distance Analysis by Landmark Consultants working on behalf of Accretive Capitol Partners, LLC. See page 1, paragraph 3 of Exhibit "C". The same analysis also confirms that Accretive does not own legal Right-of-Way

August 6, 2013

to construct a legal intersection of Covey Lane at West Lilac Road.

The property owners of APN 129-190-44 have been contacted and have indicated they will not grant additional rights to Accretive. Accordingly, a legal intersection needed to handle the traffic projected to be generated by the project, cannot be built.

Mountain Ridge/Circle R Intersection - In our February 5, 2013 letter, we informed you that there is inadequate Sight Line Distance on the Mountain Ridge/Circle R Public Road intersection. Consistent with this observation, on September 13, 2013 Accretive submitted a request for Road Standard Exemption to reduce the Sight Line from a required 500 feet to 340 feet (See Exhibit "D", page one, middle section).

Also on June 25, 2013, Accretive submitted a Sight Distance Analysis for a 450 foot distance, and stated that despite the property owner's objections, they could clear-cut brush and native Oak trees using County owned prescriptive rights (Exhibit "E").

These inadequate lines of sight as well as the absence of tree and brush clearing rights need to be analyzed in detail in the DEIR. Key questions include, but are not limited to, how can the County approve creating unacceptable public safety risks at the subject intersections; how can the applicant presume to have the County use prescriptive rights to clear mature and sensitive trees (Quercus agrifolia, Quercus engelmanni, etc.); and what will be the biological impacts of such clearing?.

We note that any intersection related improvements along with proposed road standard modifications are part of the project as a whole and cannot be treated piecemeal in terms of CEQA analysis and decision making. The County cannot approve critical project components such as road standard modifications without full environmental review.

Use of County Right of Way for Benefit of a Private Developer

Accretive's claimed "right of way" on Mountain Ridge and Covey Lane private roads relies in substantial part on multiple County owned Irrevocable Offers to Dedicate right of way for public usage. These rights are owned by the County and are explicit rights for public roads. Accretive is a private developer proposing Mountain Ridge as a private road enabled by public rights, and is also relying on receiving public rights to label Covey Lane as an Interim Public Road to serve their proposed private project.

There are no County Plans identifying these roads as future County Roads and the proposed use of the IOD's would likely be illegal as well as ill advised. Would the County actually accept the liabilities associated with the proposed exploitation of the IOD's for private corporate benefit? Does the County for example want to approve and enable the creation of a series of dangerous intersections and dangerously narrow roads?

The public safety impacts related to the easement and line of sight problems need to be thoroughly addressed in the DEIR.

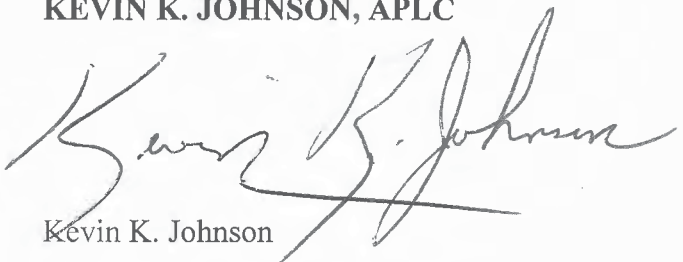
August 6, 2013

Moreover, for purposes of any Statement of Overriding Considerations, there is no public benefit in enabling Accretive to infringe upon and overburden the easement rights of the approximately 30 other private parties that hold undisputed rights on Covey Lane and Mountain Ridge, 80% of whom have signed a petition opposed to Accretive's proposed use of these roads for development dramatically inconsistent with the County General Plan and the Local Community Plan and presenting an unacceptable and illegal burden upon existing easement holders.

In conclusion, we believe that the failure of the DEIR to address the multiple, major and critical issues raised herein requires that the DEIR be rewritten and renoticed for public comment. The issues are too detailed and complicated to be dealt with meaningfully by way of responses to comments.

Very Truly Yours,

KEVIN K. JOHNSON, APLC



Kevin K. Johnson

CC: Claudia Anzures, Esq. (via email)
Mark Mead, Esq. (via email)

Exhibit "A" – Feb 5, 2013 KKJ APCL to Thomas Montgomery letter re: Mountain Ridge and Covey Lane Private Road Easement Rights

Exhibit "B" – May 29, 2013 KKJ APLCCL Response to D. Hymer Letter

Exhibit "C" – June 25, 2013 Sight Distance Analysis – Covey Lane Private Road/West Lilac Public Road Intersection

Exhibit "D" – September 12, 2012 Request for Exemption from Road Standards – Mountain Ridge/Circle R intersection

Exhibit "E" – June 25, 2013 Sight Distance Analysis – Mountain Ridge/Circle R intersection

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February 5, 2013

VIA CERTIFIED MAIL & EMAIL

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Planning & Development Services
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San Diego Board of Supervisors
Greg Cox, Bill Horn, Dave Roberts,
Ron Roberts, Dianne Jacob
County Administrative Center
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San Diego, CA 92101
Email: greg.cox@sdcounty.ca.gov
bill.horn@sdcounty.ca.gov
dave.roberts@sdcounty.ca.gov
ron.roberts@sdcounty.ca.gov
dianne.jacob@sdcounty.ca.gov

Subject: Proposed Lilac Hills Ranch Development
Absence of Accretive Investments' Legal Rights for Use of Mountain Ridge and
Covey Lane Private Road Easements and failure to satisfy conditions of approval

Honorable County Supervisors; County Counsel Montgomery; Planning Commissioners; and
County Staff:

This firm represents a number of property owners who own Rights of Way on Mountain Ridge Road and Covey Lane. We are writing to advise you that Accretive Investments does not hold any road easements to or upon Mountain Ridge Road and has limited rights on Covey Lane. Representations of expanded easement "rights" by Accretive have resulted to date in at least two legally unsupported and inappropriate County actions.

On December 17, 2010, the Planning Commission, relying on incorrect information in the December 16, 2010 letter in Attachment "A" from Accretive's Engineering consultant, voted 4-2-1 to approve the Accretive Investment's Plan Amendment Authorization (PAA) 09-007.

February 5, 2013

In April and September of 2012, Accretive's Lilac Hills Ranch General Plan Amendment GP 12-001 and Specific Plan SP12-001 were improperly allowed to proceed in the County's approval process because the represented Private Road Easement rights for Covey Lane and Mountain Ridge Road appeared to meet but did not meet, the "dead end road" secondary access requirement of the County's 2011 Consolidated Fire Code and other related County mandatory requirements.

County Staff is requested to carefully reexamine Accretive's claims of legal right to use Private Roads for its proposed development based upon the following information.

As stated in Attachment "B":

"It is the applicant's responsibility to provide suitable evidence that offsite improvements including grading, dedications, grants (if any), and easements can be accomplished without resorting to County of San Diego assistance...
... Other evidence satisfactory to the County that clearly shows an existing and continuing right to construct the required improvements."

Ten Mountain Ridge Road and eight Covey Lane Private Road Easement holders have recently confirmed that they will not grant easement rights to Accretive now or in the future. See Attachment "C" hereto. Accretive therefore cannot make the necessary showing required by Attachment "B".

Easement History and Expanded Discussion

Mountain Ridge Private Road Easement - The 40 foot Private Road Easement for Mountain Ridge was created by Private Road Maintenance Agreement 1993-0850511 recorded December 16, 1993 and multiple other Private Road Easement agreements. These agreements have not been modified or superseded. Ten heirs and assigns of the subject agreement have all signed Attachment "C1" confirming they will not grant easement rights to Accretive now or in the future.

Accretive Parcels 129-300-09 and -10 that border Mountain Ridge have NO ROAD EASEMENT to use Mountain Ridge recorded in their Deed (see Attachment "E"). There are no existing documents outside of the Deed for these parcels that record a legal easement to use Mountain Ridge Private Road. An analysis of Chicago Title Company fourth amended Title Report dated August 30, 2012 received via a California Public Records Act request validates this statement.

Accretive has no legal rights to utilize the Southern 2500 feet of Mountain Ridge Private Road for any road purposes whatsoever.

February 5, 2013

Mountain Ridge Private Road - Although Accretive has no legal rights to utilize the Southern 2500 feet of Mountain Ridge Private Road, on Sheet 8 "Offsite Improvements" of the Tentative Master Map TM 5571 RPL 1 that was released for public review together with the September 2012 draft of the Lilac Hills Ranch Specific Plan, Accretive has drawn an approximate 2500 linear foot Private Road connecting their proposed Subdivision with the Circle R Drive Public Road. (See Attachment "D").

Accretive asserts no legal easement for this Mountain Ridge Private Road on Sheet 2 of TM 5571 RPL 1 "Existing Easements" or Sheet 3 "Easement Notes."

However, on Sheet 8 "Offsite Improvements", Accretive represents a proposed Private Road with reference to grading, widening and other improvements.

Accretive does not currently have rights to use the Mountain Ridge Private Road for purposes of their proposed Subdivision, nor will they achieve these rights in the future.

Covey Lane Private Road Easement - The 40 foot Private Road Easement for Covey Lane was created by Private Road Easement Agreement 79-539700 recorded December 28, 1979. This agreement has not been modified or superseded.

While Accretive has rights as an "heir or assignee" to this 12/28/79 agreement, there are eleven other current Heirs and Assigns that would need to grant Accretive additional rights to use Covey Lane for the uses that the Applicant has described in their September 2012 Specific Plan and road network represented in Tentative Master Map TM 5571 RPL 1.

Eight current Heirs and Assigns have certified that they have never granted Accretive rights for Road Easement rights beyond those contained in Private Road Easement Agreement 79-539700, nor will they. This certification is attached in Attachment 'C2'.

Covey Lane Public Road - On Sheet 8 "Offsite Improvements" of the Tentative Master Map TM 5571 RPL 1 that was released for public review together with the September 2012 draft of the Lilac Hills Ranch Specific Plan, Accretive represents an approximate 600 linear foot Public Road connecting their proposed Subdivision with the West Lilac Road Public Road. (See Attachment "D").

Accretive asserts no legal easement for this Public Road on Sheet 2 of TM 5571 RPL 1 "Existing Easements" or Sheet 3 "Easement Notes."

However, on Sheet 8 "Offsite Improvements" – Accretive represents a proposed Public Road connecting to the public West Lilac Road with a reference note to an "EXIST. 30' IRREVOCABLE OFFER TO DEDICATE."

An Irrevocable Offer to Dedicate (IOD) to dedicate 30' of road easement was offered to the County and rejected for use August 29, 2000 via Subdivision Map TM 18536. The IOD granted and rejected by the County does not fully connect to the east to West Lilac Road,

February 5, 2013

needing rights from two additional property owners to connect to West Lilac Road. Additionally, this IOD conflicts with the Covey Lane 40' Private Road Easement Agreement 79-539700 recorded December 28, 1979.

Accretive does not have legal rights for the "Covey Lane (Pub)" road depicted in Sheet 8 of TM 5571 RPL 1. The IOD for an approximate 30' road easement is property of the County and Accretive cannot use these rights, without resorting to County of San Diego assistance, violating a condition previously imposed on Accretive by the County.

Accretive does not have rights to use the Covey Lane Private Road for purposes of their proposed Subdivision, nor will they achieve these rights in the future.

Ciremele Surveying Independent Review - In the letters in Attachment "F", a licensed California Surveyor has independently reviewed the above assertions regarding Mountain Ridge and Covey Lane Private Roads and has certified their accuracy and completeness.

December 16, 2010 Landmark Consulting Letter "Valley Center Sustainable Community/ PAA 09-007" to Vice Chair Leon Brooks (Attachment "A") – Accretive represented in Planning Commission testimony that Accretive had legal rights to use Mountain Ridge Road and Covey Lane as private circulation roads for their proposed Subdivision.

However, public testimony during the Planning Commission hearing established that Accretive did not hold legal rights to use Covey Lane, Rodriguez Road, and Mountain Ridge Private Roads for circulation purposes and secondary road access.

The Planning Commission ignored this public testimony and voted 4-2-1 to approve Accretive's Plan Amendment Authorization PAA-009-07 relying on incorrect statements by Accretive's engineering consultant. Accretive did not have these rights as of December 16, 2010 and to date does not have the rights stated in the letter.

Requested Action

Rescind the Planning Commission vote approving PAA 09-007 on December 17, 2010. The Planning Commission relied on the letter provided by Accretive with the seals of a Licensed Surveyor and Registered Engineer on December 16, 2010 in which Accretive, through its representative, made incorrect statements regarding its rights to use Mountain Ridge and Covey Lane Private Roads for the proposed subdivision.

Formally and immediately Reject the General Plan Amendment 12-001 as filed on the following two grounds:

1. Accretive did not have legal rights for the Private Road Easements to Mountain Ridge and Covey Lane to obtain PAA approval, which were a prerequisite/condition for General Plan Amendment requests at the time of the PAA approval.

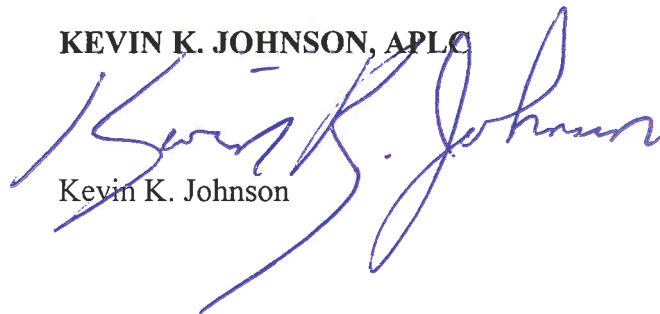
February 5, 2013

2. Accretive has failed to achieve required entitlements from Mountain Ridge and Covey Lane private easement holders and cannot demonstrate that Accretive can secure them in the future. Current owners of Covey Lane and Mountain Ridge Private Road easement rights have certified that they will not grant additional rights to Accretive.

Thank you for your consideration of these matters. We look forward to your response.

Sincerely,

KEVIN K. JOHNSON, APLC



Kevin K. Johnson

CC:

Rich Grunow DPDS Advanced Planning
Mark Slovick SP 12-001 DPS Project Manager
Jarrett Ramaiya DPS Planning Manager

References:

December 12, 2010 Patsy Fritz to Vice Chairman Brooks and Members of the Planning Commission subject: Challenging Private Road Easement Rights asserted by Accretive

July 27, 2012 Mark Jackson to DPLU Mark Slovick subject: EIR Scoping comments, with specific comments challenging Accretive's asserted Private Road Easement Rights

October 25, 2012 Valley Center Planning Group to Mark Slovick subject: Comments to the September 25, 2012 Lilac Hills Specific Plan submitted by Accretive with specific comments challenging Accretive's Private Road Easement assertions

October 26, 2012 Mark C Mead to Patsy Fritz e-mail and attachments subject: California Public Records Act Request Private Road Easements + 2 Attachments

Attachment A: December 16, 2010 Landmark Consulting Letter "Valley Center Sustainable Community/ PAA 09-007" to Vice Chair Leon Brooks

February 5, 2013

Attachment B: Excerpts of instructions regarding Private Road Easements within the County Accretive General Plan Amendment Pre-Application Scoping Letter MPA 10-25 dated February 7, 2011

Attachment C1: Certification of Current Heirs and Assigns to *Mountain Ridge Private Road Easement Agreements*

Attachment C2: Certification of Current Heirs and Assigns to *Covey Lane Private Road Easement Agreement*

Attachment D: September 25, 2010 Accretive Investments proposed Tentative Map 5571- RPL 1 Sheet 8 *Offsite Improvements – Mountain Ridge and Covey Lane Private Roads*

Attachment E: Deed for Accretive Parcels 129-300-09 and -10

Attachment F: Ciremele Surveying Letters – Mountain Ridge and Covey Lane

Attachment A - December 16, 2010 Landmark Consulting Letter "Valley Center Sustainable Community/ PAA 09-007" to Vice Chair Leon Brooks

December 16, 2010

Vice Chairman Leon Brooks
County of San Diego Planning Commission
5201 Ruffin Road, Suite B
San Diego, CA 92123

RE: Valley Center Sustainable Community / PAA 09-007

Dear Vice Chairman Brooks & Planning Commissioners:

I am writing this letter to discuss the legal access issues associated with the above referenced PAA. Along with this letter, I have attached the "Legal Access Exhibit for Valley Center Sustainable Community" prepared by my office.

Per the County's Subdivision Ordinance, any subdivision must have two adequate access points that lead to publicly maintained roads. Private road easements are acceptable access as long as they are a minimum of 40' wide and allow access to a public road. Other than the public road frontage on W. Lilac Road (or the primary access to the site), this property has 3 private road easements that are 40' wide that allow access to a public road. They are Covey Lane which leads to W. Lilac Road (depicted as Access Note "C" on the attached Legal Access Exhibit), Rodriguez Road which also leads to W. Lilac Road (depicted as Access Note "D" on the attached Legal Access Exhibit) and Mountain Ridge Road which leads to Circle R Drive (depicted as Access Note "H" on the attached Legal Access Exhibit). Any one of these secondary access options are available and viable for this project. Consequently, there are more than enough access points to allow this subdivision. However, these private roads would have to be rebuilt to current private road standards – which, based upon my professional opinion, won't be a problem based upon existing topographic constraints. There is also the real possibility that public road 3A will be required with this project which would provide yet another acceptable access for this subdivision.

Additionally, it is too early in the planning process to commit to a circulation/traffic plan for this project. All of these issues would be analyzed in depth after the PAA is approved and the planning work/traffic studies are completed.

The other private road easements depicted on the Legal Access Exhibit are either not 40' wide or do not extend to a public road. However, these other private road easements could be used for bicycle or pedestrian access or circulation.

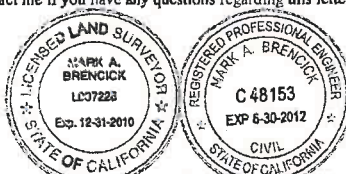
In summary, acceptable access to this project is not an issue in allowing a major subdivision at this location. Please do not hesitate to contact me if you have any questions regarding this letter.

Sincerely,

LANDMARK CONSULTING



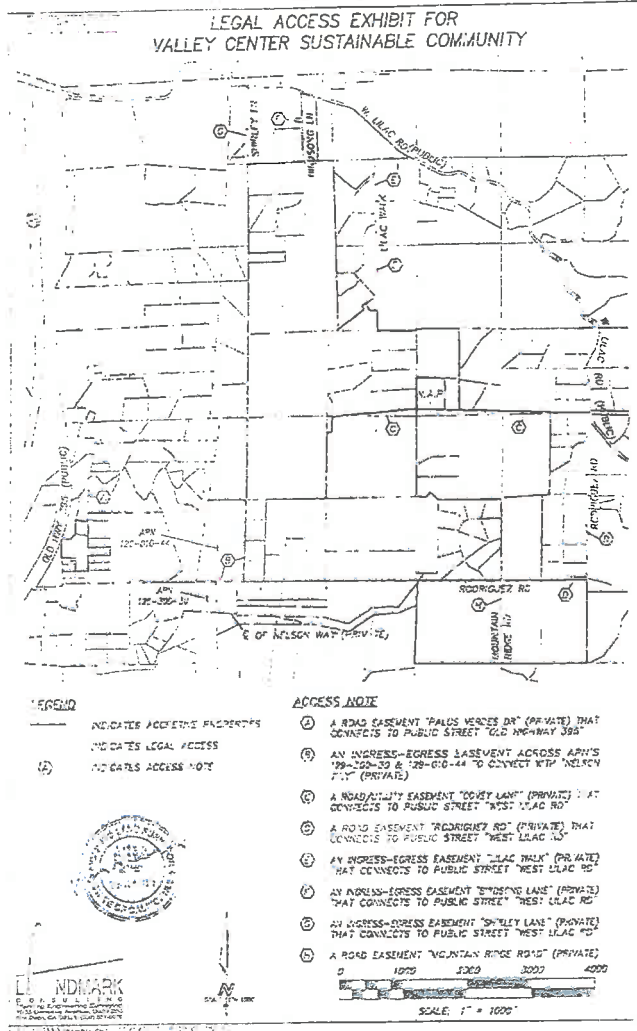
Mark A. Brencick, PE, PLS, Esq.
President



• 9555 Genesee Avenue, Suite 100, San Diego, CA 92123 • (619) 587-8070 • Fax: (619) 587-8750 •

5 - 83

LEGAL ACCESS EXHIBIT FOR
VALLEY CENTER SUSTAINABLE COMMUNITY



Attachment B: Excerpts of instructions regarding Private Road Easements within the County Accretive General Plan Amendment Pre-Application Scoping Letter MPA 10-25 dated February 7, 2011

4. Off-Site Grading for Public and/or Private Road Improvements

To allow for public and/or private improvements for areas outside the boundary of this subdivision along Interstate 15, Old Highway 395, West Lilac Road, proposed Mobility Element Road 3A, Birdsong Drive, Covey Lane, Mountain Ridge Road, Nelson Way, Rodriguez Road, and other roads in the vicinity of the project site, the following shall be completed:

It is the applicant's responsibility to provide suitable evidence that offsite improvements including grading, dedications, grants (if any), and easements can be accomplished without resorting to County of San Diego assistance. This evidence can be provided in several forms (provide a letter of explanation with the below forms) used

- A Title Report showing applicant has the right to construct improvements along with a Title Company Guarantee (\$20,000) acknowledging those rights;
- Recorded Grant Deed or Recorded Right To Purchase for the area where improvements are to be constructed;
- Other evidence satisfactory to the County that clearly shows an existing and continuing right to construct the required improvements

The applicant's evidence must also show the ability to have any existing utility easements subordinated to the new Public Easement (if any) as per County Subdivision Ordinance. The foregoing must be accomplished to the satisfaction of DPLU and DPW prior to DPW writing final requirements for this project

Provide a Map, to Engineer's scale, which clearly indicates any off-site road Easements/Dedications/Letters of Permission to Grade/Improve to be acquired, existing I.O.D.s, existing Public Road Easements, etc. Letters of Permission to Grade/Improve must be notarized. Please note that existing off-site road easements may need to be expanded to accommodate road widening required by the project. The ultimate right-of-way width required would be determined through the results of a traffic study.

7767 Megan Terrace
 9795 Megan Terrace
 9755 Megan Terrace
 9755 Megan Terrace
 9733 Adam PT
 9790 Megan Terrace
 9779 Megan Terrace
 31013 Mountain Ridge Rd.
 9741 Adam PT
 9746 Megan Terrace

Page 11 of 24

**Attachment C2: Certification of Current Heirs and Assigns to Covey Lane
Private Road Easement Agreement 79-539700 recorded December 28, 1979**

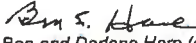
Page 9 of


**Attachment C: Certification of Current Heirs and Assigns to Covey Lane
Private Road Easement Agreement 79-539700 recorded December 28, 1979**

I/We hereby certify that I/We am/are a current Heir or Assign to Covey Lane
Private Road Easement Agreement 79-539700 recorded December 28, 1979.

I/We further certify that I/We have granted no additional rights to Accretive
Investments for use of the Covey Lane Private Road Easement beyond those
indicated in 79-539700.

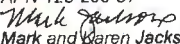
I/We additionally certify that I/We oppose the use of Covey Lane as a secondary
access road for the purposes of Accretive Investments' proposed General Plan
Amendment 12-001.


 11-5-12
Ben and Darlene Hare (dated)
APN 129-198-44

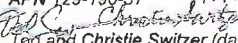
 11/3/12
Ken and (wife) Blue (dated) 11/3/12
APN 128-290-65


 11-3-12
Rob and Tissa Carr (dated)
APN 129-018-83


Qing and Glynda Purdy (dated)
APN 128-290-37

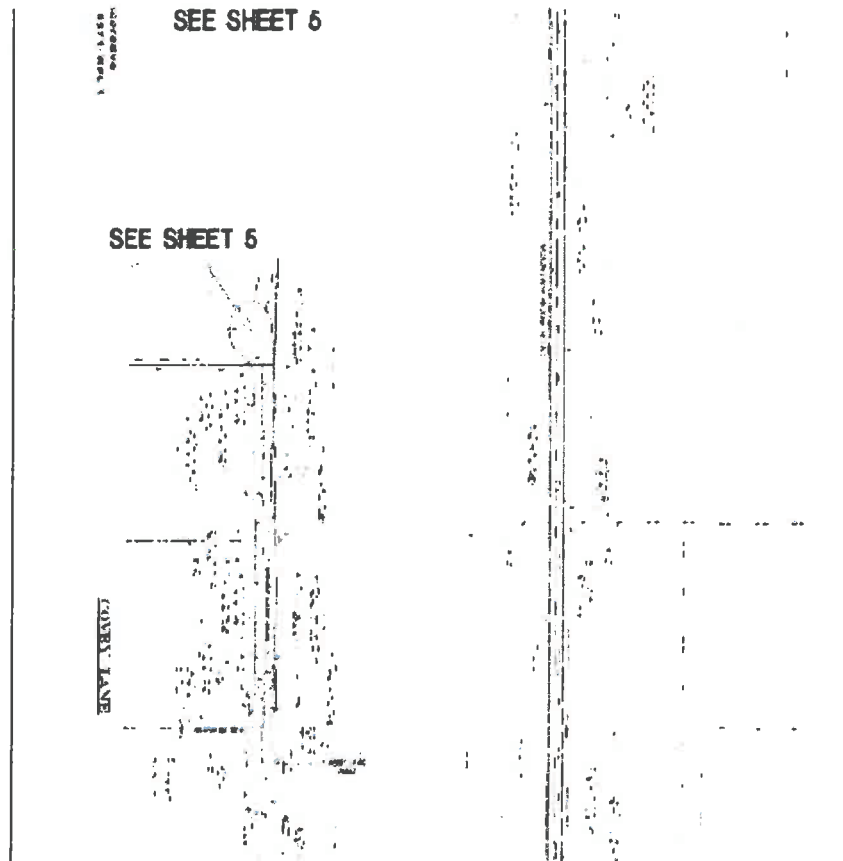
 11/1/2012
Mark and Warren Jackson (dated)
APN 128-290-77

 11/3/12
Peter and Elizabeth Bulkley (dated)
APN 129-190-37

 11/2/12
Ted and Christie Switzer (dated)
APN 129-010-84

 11-3-12
Alfred and Floann Sannipoli (dated) 11-3-12
APN 128-290-76

Attachment D: September 25, 2010 Accretive Investments proposed Tentative
Map 5571- RPL 1 Sheet 8 *Offsite Improvements – Mountain Ridge and Covey
Lane Private Roads*



DCC # 2006-0538524

JUL 31, 2036 10 15 AM

Grigor/Ranch, LLC
c/o Stephens & Kray
5000 Birch Street, Suite 410
Newport Beach, CA 92660

170

2006 05 30 02

Quitclaim D

APN(s): 129-011-15, 129-300-09 and 129-300-10

Quitclaim Deed

[illegible]

6091

EXHIBIT "A"
LEGAL DESCRIPTION
31039 PODRIGUEZ ROAD, ESCROWED, CA 92121
APN: 129 011 75 124 700 09 129 700 10

THE LAND HEREIN DESCRIBED IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF SAN DIEGO, AND IS DESCRIBED AS FOLLOWS:

PART 1

THE WEST HALF OF THE SOUTHEAST QUARTER OF THE NORTH-EAST QUARTER OF SECTION 30, TOWNSHIP 10 SOUTH, RANGE 2 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO UNITED STATES GOVERNMENT SURVEY APPROVED APRIL 21, 1893.

PART 2

THE EAST 20 ACRES OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 10 SOUTH, RANGE 2 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO UNITED STATES GOVERNMENT SURVEY APPROVED NOVEMBER 1, 1913.

PART 3

THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 10 SOUTH, RANGE 2 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO UNITED STATES GOVERNMENT SURVEY APPROVED NOVEMBER 1, 1913.

EXCLUDING THEREFROM THE EAST 20 ACRES THEREOF.

PART 4

AN EASEMENT AND RIGHT OF WAY FOR ROAD PURPOSES AND INCIDENTAL PURPOSES OVER, ALONG AND ACROSS THE SOUTHERLY 2000 FEET OF THE EAST HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 10 SOUTH, RANGE 2 WEST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO UNITED STATES GOVERNMENT SURVEY APPROVED APRIL 21, 1893.

PART 5

AN EASEMENT AND RIGHT OF WAY FOR PURPOSES AND EGRESS FOR ROAD PURPOSES OVER, ALONG AND ACROSS THE SOUTHERLY 2000 FEET OF THE WEST HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 10 SOUTH, RANGE 2 WEST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO UNITED STATES GOVERNMENT SURVEY APPROVED APRIL 21, 1893.

6092

PARCEL 6.

AN EASEMENT AND RIGHT OF WAY FOR INGRESS AND EGRESS FOR ROAD PURPOSES OVER, ALONG AND ACROSS THE NORTH 20 FEET OF THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 10 SOUTH, RANGE 2 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO UNITED STATES GOVERNMENT SURVEY APPROVED, NOVEMBER 1, 1913.

PARCEL 7.

AN EASEMENT AND RIGHT OF WAY FOR INGRESS AND EGRESS FOR ROAD PURPOSES OVER, ALONG AND ACROSS THAT PORTION OF THE SOUTH 5 ACRES OF THE EAST HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 10 SOUTH, RANGE 2 WEST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO UNITED STATES GOVERNMENT SURVEY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SOUTH 5 ACRES OF THE EAST HALF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 30, THENCE ALONG THE EASTERLY LINE OF SAID SECTION 30, SOUTH 00°10'14" WEST, 297.01 FEET TO THE TRUE POINT OF BEGINNING, THENCE PARALLEL WITH THE NORTHERLY LINE OF SAID SOUTH 5 ACRES NORTH 89°16'30" WEST, 330.00 FEET, THENCE PARALLEL WITH THE EASTERLY LINE OF SAID SECTION 30, NORTH 00°10'14" EAST, 330.00 FEET, THENCE PARALLEL WITH THE NORTHERLY LINE OF SAID SOUTH 5 ACRES, NORTH 89°16'30" WEST, 330.00 FEET TO THE INTERSECTION WITH THE WESTERLY LINE OF EAST HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 30, THENCE ALONG SAID WESTERLY LINE SOUTH 00°10'14" WEST, 254.09 FEET TO THE INTERSECTION WITH THE SOUTHERLY LINE OF THE NORTHEAST QUARTER OF SAID SECTION 30, THENCE ALONG SAID SOUTHERLY LINE SOUTH 89°16'30" EAST, 660.00 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 30, THENCE ALONG THE EASTERLY LINE OF SAID SECTION 30, NORTH 00°10'14" EAST, 297.01 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL 8.

AN EASEMENT AND RIGHT OF WAY FOR INGRESS AND EGRESS FOR ROAD PURPOSES OVER, ALONG AND ACROSS THE EAST 20 FEET OF THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 10 SOUTH, RANGE 2 WEST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO UNITED STATES GOVERNMENT SURVEY APPROVED, APPROXIMATE APRIL 21, 1890.

EXCEPTING THEREFROM THAT PORTION IN PARCEL 5 HEREINAFORE DESCRIBED.

6093

PARCEL 9:

AN EASEMENT FOR INGRESS AND EGRESS FOR ROAD PURPOSES OVER, ALONG AND ACROSS THE WEST 20 FEET OF THE NORTHWEST QUARTER AND THE NORTH 20 FEET OF THE NORTHWEST QUARTER LYING WEST OF THE WESTERLY LINE OF LILAC ROAD OF SECTION 29 TOWNSHIP 10 SOUTH, RANGE 2 WEST, SAN BERNARDINO MERIDIAN IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO UNITED STATES GOVERNMENT SURVEY APPROVED, APRIL 21, 1890 AND OVER AND ALONG AND ACROSS THE NORTH 20 FEET OF THE WEST 20 FEET OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 10 SOUTH, RANGE 2 WEST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO UNITED STATES GOVERNMENT SURVEY APPROVED, APRIL 21, 1890.

PARCEL 10:

AN EASEMENT AND RIGHT OF WAY FOR INGRESS AND EGRESS FOR ROAD PURPOSES, OVER, ALONG AND ACROSS THE SOUTH 20 FEET OF THE EAST 20 FEET OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 19, AND THE SOUTH 20 FEET OF THAT PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 20 LYING WESTERLY OF THE WESTERLY LINE OF WEST LILAC ROAD, ALL BEING IN TOWNSHIP 10 SOUTH, RANGE 2 WEST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO UNITED STATES GOVERNMENT SURVEY APPROVED, APRIL 21, 1890.

ALL OF SAID EASEMENT PARCELS HEREIN DESCRIBED ARE HEREBY DECLARED TO BE APPURTENANT TO AND FOR THE USE AND BENEFIT OF ALL OR ANY PORTION OF LAND OWNED BY THE GRANTEE, THEIR SUCCESSOR OR ASSIGNS HEREIN LYING WITHIN THE ROUTE OF SAID EASEMENT.

Attachment F: Ciremele Surveying Letters – Mountain Ridge and Covey Lane

Ciremele Surveying Inc. is a full-service land surveying firm based in Escondido, California. Operating since 1998, Ciremele Surveying has more than 45 years combined experience providing land surveying services in California and Arizona.

Chris Ciremele, has been a licensed surveyor for 30 years and holds licenses in California and Arizona. Ciremele Surveying is a member of the California Land Surveyors Association and The National Society of Professional Land Surveyors.

Ciremele Surveying provides services to a myriad of clients including, but not limited to engineers, architects, tribal lands, insurance agents, attorneys, expert witness, contractors, investors, developers, realtors, and residential land owners with land surveying needs in San Diego, Riverside, Orange County and San Bernardino County.



**CIREMELE
SURVEYING INC.**

• 64 S. Escondido Blvd., Escondido, CA 92025 • Phone (760) 489-2200 • Fax (760) 489-2207

January 14, 2013

Kevin K. Johnson, APLC
Attorneys at Law
600 W. Broadway #225
San Diego, CA 92101

Subject: Analysis of Accretive Lilac Hills Subdivision existing easements for use of Covey Lane private road by the proposed Accretive Lilac Hills Ranch Subdivision

References:

- a) August 30, 2012, Chicago Title 4th amended Preliminary Report, Accretive "Las Lilas Map"
- b) Lilac Hills Ranch Tentative Map Tract 5571 Rpl 1 dated 9/13/12
- c) Parcel Map 18536 - Minor Subdivision rec. 8/29/2000

I have reviewed the above referenced map, Title Report document, and Minor Subdivision Parcel Map.

Accretive has identified 19 "Existing Easements to Remain" on Tentative Map Tract 5571 Rpl 1 dated 9/13/12 sheet 2- Existing Easements and sheet 3 - Easements Notes along the route of the existing Covey Lane private road. Of these 19 easements, 7 are road and utility easements, 2 are Irrevocable Offers to Dedicate, and the remaining 10 are utility easements.

Of the 7 road easements listed below, the only easement that runs the full approx. 4328 foot length of the existing Covey Lane private road is item 102- "40' wide road and utility easement! IN 79-539700 O.R. Rec. 12/28/1979."

ITEM No.	
72	20 ROAD AND UTILITY ESMI LN 1951 O.R. REC. 1201971
66	70 VCMWST UTILITY ESMI
107	30 ROAD & UTILITY ESMI LN 70 539700 O.R. REC. 12281939
99	40 ROAD & UTILITY EASEMENT LNS 78-344789 & 78-344795 O.R. REC. 815 1978
14	20 ROAD & UTILITY ESMI BK 3496 PG. 236 O.R. REC. 12141955
04	20 ROAD ESMI OVER EASEL COVEY LANE LN 76-407688 O.R. REC. 920 1976
32	75 SIDEWALK UTILITY ESMI
12	20 ROAD & UTILITY BK 3488 PG 465 O.R. REC. 127 1955
13	20 ROAD & UTILITY BK 3496 PG 236 O.R. REC. 1214 1955

In the preliminary Title Report.

The "Legal Description" of Assessor Parcels within the proposed Accretive Subdivision that border Covey Lane are listed below. There are many road easements for these parcels none that run the entire length of the existing length of the existing Covey Lane private road. Some are part of the deed 79-539700 giving the parcels legal access to West Lilac Road.

PARCEL No.	ASSESSOR'S PARCEL NUMBER
TITLE RP1	
	NORTH SIDE OF COVEY
55	128-290-51
38A	128-290-60 & 128-290-61
32A	128-290-57
	SOUTH SIDE OF COVEY
55	129-010-62
38A	129-010-69 AND 129-010-72
57	129-010-68

In schedule B- Matters Affecting Parcels 55, 38A, 37A, 90A, and 87 there are many legacy road easements, none of which run the full length of Covey Lane private road to its intersection with West Liliac Road (public). All of the bordering parcels described in the Legal Description have Covey Lane private road easement rights via Instrument No. 79-539700 recorded 12/28/1979 granting ingress and egress to West Liliac Road (public).

There are three cited Irrevocable Offers of Dedication (I O D) of public right of way.

Item 334- Instrument No. 81-173147 recorded 6/3/1981 offers an additional 30' road RoW across the Northern border of APN's 129-010-69 and -72 along the South side of the route of the existing Covey Lane private road for a distance of approx. 4328 feet.

Item 152- Instrument No. Document 80-193808 recorded 6/18/1980 offers an additional 30' road RoW across the Southern border of APN's 128-290-60 and -61 along the North side of the route of the existing Covey Lane private road for a distance of approx. 600 feet.

Item 136- Instrument No. Document 80-172563 recorded 5/28/1980 offers an additional 30' road RoW across the Southern border of APN 128-290-57 along the North side of the route of the existing Covey Lane private road for a distance of approx. 600 feet. This IOD was not listed on the TM 5571 RPL 1 Map.

These three IODs do not extend to both sides of the 4328 foot full route of the existing 40' Covey Lane private road.

Parcel Map- Minor Subdivision 18536 rec. 8/28/2000 the most recent recorded Subdivision Map for the property that borders Covey Lane private road have certification approved by the County of San Diego that cite Instrument No. 79-539700 dated 12/28/1979 as the easement granting private road rights for use of the Covey Lane.

If the certification in Minor Subdivision 18536 is correct, Instrument No., 79-539700 recorded 12/28/1979 is the governing document for existing 40' Covey Lane easement rights.

In addition to Accretive parcels that are heir and assigns to Instrument No 79-539700 recorded 12/28/1979, there are 11 other current property owners that border the route of the existing 40 Covey Lane private road. The parcels are listed below.

129-190-44	129-190-37
128-290-65	129-010-84
129-010-83	128-290-67
128-290-37	128-290-38
128-290-77	128-290-76
129-010-61	

Sincerely,

Chris Cremele
Chris Cremele
Cremele Surveying
Professional Licensed Surveyor LS 5267





**CIREMELE
SURVEYING INC.**

• 164 S. Escondido Blvd. Escondido, CA 92025 • Phone (760) 469-2200 • Fax (760) 469-7222

January 14, 2013

Kevin K. Johnson, APLC
Attorneys at Law
600 W. Broadway #225
San Diego, CA 92101

Subject: Analysis of Accretive Lilac Hills Subdivision existing easements for use of Mountain Ridge Private Road by the proposed Accretive Lilac Hills Ranch Subdivision

References:

- a) August 30, 2012 Chicago Title 6" amended Preliminary Report- Accretive Lilac Hills Map
- b) Lilac Hills Ranch Tentative Map Tract 5571 Rpl 1 dated 9/13/12

I have reviewed the above referenced map and Title Report document.

There are no "existing road easements" over Mountain Ridge Road asserted by Accretive on Tentative Map Tract 5571 Rpl dated 9/13/12 Sheet 2 For Accretive's use - *Existing Easements* and Sheet 3 Easement Notes for Mountain Ridge Road South of the proposed Subdivision. Boundaries on parcels 129-300-09 and -10, which form the southern boundary of the proposed Subdivision.

In the preliminary Title Report

The Legal Description of Parcel 93 (APN 129-300-09) and Parcel 94 (APN 129-300-10) contains reference to seven recorded easements.

The seven road easements are referred to in the Preliminary Title Report as Legal Description Parcels 94, 95, 96, 97, 98, 99 and 100. These seven easements are for a route that utilizes Rodriguez Road to Covey Lane to West Lilac. No easements to use Mountain Ridge Private Road South of APN's 129-300-09 and -10 are described in the seven easement references.

In Schedule B- Matters Affecting Parcels 91, 92, 93, 94, 95, 96, 97, 98, 99 and 100 there are Items 341-372. After reviewing these 32 items, there are none that explicitly grant Accretive road easements for use of Mountain Ridge Private Road South of the southern boundary of APN's 129-300-09 and -10.

Based on the information in the two referenced documents, Accretive has not demonstrated rights to use Mountain Ridge private road south of APN's 129-300-09 and -10.

Sincerely,

Chris Ciremele

Chris Ciremele
Ciremele Surveying
Professional Licensed Surveyor LS: 5267



KEVIN K. JOHNSON, APLC

KEVIN K. JOHNSON
JEANNE L. MacKINNON
HEIDI E. BROWN

A PROFESSIONAL LAW CORPORATION
ATTORNEYS AT LAW
600 WEST BROADWAY, SUITE 225
SAN DIEGO, CALIFORNIA 92101

TELEPHONE (619) 696-6211
FAX (619) 696-7516

May 29, 2013

VIA CERTIFIED MAIL & EMAIL

Thomas Montgomery
San Diego County Counsel
Office of the County Counsel
1600 Pacific Highway, Room 355
San Diego, CA 92101
Email: thomas.montgomery@sdcounty.ca.gov

VIA EMAIL

Mark Wardlaw
County of San Diego
Director of Department of Planning &
Development Services
Email: mark.wardlaw@sdcounty.ca.gov

Richard E. Crompton
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Director of Department of Public Works
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VIA US MAIL & EMAIL

San Diego Planning Commission
County of San Diego
Planning & Development Services
5510 Overland Avenue, Suite 110
San Diego, CA 92123
Email: Lisa.Fitzpatrick@sdcounty.ca.gov

San Diego Board of Supervisors
Greg Cox, Bill Horn, Dave Roberts,
Ron Roberts, Dianne Jacob
County Administrative Center
1600 Pacific Highway, Room 335
San Diego, CA 92101
Email: greg.cox@sdcounty.ca.gov
bill.horn@sdcounty.ca.gov
dave.roberts@sdcounty.ca.gov
ron.roberts@sdcounty.ca.gov
dianne.jacob@sdcounty.ca.gov

Subject: Response to David Hymer April 08, 2013 letter regarding Legal Rights for Use of Mountain Ridge and Covey Lane Private Road Easements related to the proposed Lilac Hills Ranch Development

Honorable County Supervisors, County Counsel Montgomery; Planning Commissioners and County Staff:

My office informed you via our February 5, 2013 letter that Accretive Investments lacks adequate road easement rights on two private roads outside the Subdivision boundaries of Accretive's proposed Lilac Hills Ranch project.

The February 5, 2013 letter was based on Amendment 4 to the Lilac Hills Ranch Preliminary Title Report (PTR) dated 8/30/12, which was received from the County on 10/26/12 as the result of a California Public Records Act request to the County. After receipt of Mr. Hymer's letter referencing Amendment 10 to the Lilac Hills Ranch PTR dated 2/1/13, we requested a copy of Amendment 10 of the PTR and it was subsequently provided by the County on April 16, 2013.

May 29, 2013

Amendment 10 of the PTR indicates that Accretive may have **limited rights** granted in 1957 to use the Mountain Ridge private road for two parcels. The 1957 grant of road easement is quite explicit in limiting the rights to the two parcels, not their entire proposed project. Please see the attached May 3 letter from Ciremele Surveying Inc. (Exhibit "A") showing that property owners outside the Southeast Quarter of Section 30 do not have rights to use the subject easement.

An objective reading of the documentation makes it clear that Accretive lacks adequate road easement rights on Covey Lane and Mountain Ridge to implement their project as proposed.

Two recent road exemption requests to the County from Accretive serve as functional admissions that the applicant does not have adequate road easement rights. See Exhibits "B" and "C". Also, if granted, these proposed exemptions will expose the County to non-standard roads liability and infringe dramatically upon the private property rights of existing road easement holders.

You should also be aware of a fatal accident that occurred August 9, 2007 at the intersection of Covey Lane and West Lilac Road wherein the line of sight is insufficient for safe driving. The County was sued for damages in *West v. County of San Diego, et al* 37-2008-00058195-CU-PO-NC.

Use of Public Rights to enable a private development

Exhibits "A" and "H" in Mr. Hymer's April 08, 2013 letter graphically document that Accretive's "right of way" relies on multiple County owned Irrevocable Offers to Dedicate right of way for public usage. These rights are owned by the County and are explicit rights for **public roads**. Accretive is a private developer proposing Mountain Ridge as a private road enabled by public rights, and is also relying on receiving public rights to enable Covey Lane as an Interim Public Road to serve their proposed private project.

There are no County Plans identifying these roads as future County Roads.

Moreover, there is no public benefit in enabling Accretive to infringe upon the easement rights of the approximately 30 other private parties that hold undisputed rights on Covey Lane and Mountain Ridge, 80% who have signed a petition opposed to Accretive's proposed use of these roads.

Accretive is misinterpreting its Covey Lane Private Road Easement rights recorded in Document No. 1979-539700

Accretive's Engineer, Mr. Brencick, asserts "This easement was granted in gross to all of the grantees identified in this document with the "right to ...dedicate the same for public use. ...Therefore, Accretive has the right to dedicate a portion of this easement to the County to

May 29, 2013

complete the public road connection between the easterly project boundary and West Lilac Road.”

This interpretation of Accretive’s rights supposedly granted by this document is flatly unreasonable.

The intent of the parties at formation of the agreement and a reasonable interpretation of the language of the agreement provides that a property owner can dedicate for future public use that portion of this easement that is on his property. Accretive can only grant public road easement rights on parcels that Accretive owns that have Covey Lane road frontage. Accretive clearly does not own all of the parcels with Covey Lane frontage. Accretive essentially is proposing granting public road easements against multiple parcels that they do not own.

Accretive is also proposing grossly overburdening their limited road easement rights across Covey Lane and Mountain Ridge

Accretive is proposing using Mountain Ridge and Covey Lane as circulation element and secondary access roads for a proposed city of 5,000 people. This would result in, without question, an illegal and gross overburdening of the subject easement rights. Civil Code Section 807: Russell v. Palos Verdes Properties (1963); 218 CA 2d 754, 772; Jordan v Worthen (1977) 68 CA 3d 310, 327.

Should the County allow this project to proceed it will infringing upon the private property rights of the approximately 30 owners of easement rights on these two roads.

Requested Action

Despite their statements to the contrary, Accretive does not hold legal rights to use Covey Lane and Mountain Ridge private roads for the purposes indicated in their proposed subdivision.

Moreover, 80% of the other easement holders of Covey Lane and Mountain Ridge have signed petitions stating that they will not grant Accretive additional rights.

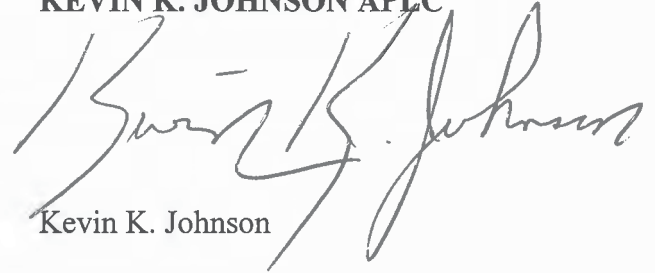
Before proceeding further with processing the subject project application, including the proposed General Plan Amendment 12-001, the County is requested to take a formal position on the easement rights issue. There is no point in continuing to use County resources and in wasting the public’s time in following and commenting upon a massive project which cannot be legally built.

May 29, 2013

The issue of adequate easement rights is not a mere civil dispute. The relevant documentation is clear and decisive.

Thank you for your prompt attention to these matters.

Very truly yours,
KEVIN K. JOHNSON APLC

A handwritten signature in black ink, appearing to read "Kevin K. Johnson", written over the printed name.

Kevin K. Johnson



June 25, 2013

Mr. Jon Rilling
Accretive Capital Partners, LLC
12275 El Camino Real, Suite 110
San Diego, CA 92130

RE: Lilac Hills Ranch (TM 5571) - Sight Distance Analysis at West Lilac Road and Covey lane

Dear Jon:

Per your request, we have conducted the Sight Distance Analysis at the intersection of West Lilac Road and Covey Lane in Valley Center (see Figure 1 - Vicinity Map) to determine adequate sight distance per the San Diego County Public Road Standards requirements.

The speed survey was completed January 2013 by National Data and Surveying Services. Average speeds range from 25 to 42 mph while the 85th percentile speeds were in the range of 31-48 mph (see table below). For this analysis, a 48 mph prevailing speed was used for the northbound traffic on West Lilac Road south of Covey Lane; and 40 mph for the southbound traffic on West Lilac Road north of Covey Lane. Per the County of San Diego sight distance requirements, the minimum corner intersection sight distance is 480' for a prevailing speed of 48 mph, and 400' for a prevailing speed of 40 mph.

West Lilac Road at Covey Lane				
Roadway	Segment	Direction	Average Speed	85% Percentile Speed
Covey Lane	West of L. Lilac Road	EB	25	31
		WB	28	35
W. Lilac Road	North of Covey Lane	NB	34	41
		SB	34	40
	South of Covey Lane	NB	42	48
		SB	38	44

Currently, the maximum line of sight distance from Observation Point 'B' looking south toward Object Target 'C' on West Lilac Road is 330' assuming no clearing or grading is completed. A line of sight distance of 480' can be achieved by grading and clearing dense trees and brush in an area on property APN 129-190-44. In order to mitigate for the 480' Line of Sight distance requirement, a clear space easement with grading rights should be obtained (as illustrated in Figure 2).

The current line of sight for the southbound traffic as seen from Observation Point 'B' on Covey Lane looking north toward Object Target 'A' on West Lilac Road was adequate; no improvements or clearing will be required.

Profiles through both lines of sight and photos are provided for clarity (Figures 3-5).

If you have any particular questions or require additional information, please do not hesitate to call.

Sincerely,

LANDMARK CONSULTING

Mark A. Brencick, P.E., P.L.S.
President



F:\Dropbox\103-7\Drawings\ALT 1\Exhibits\Sight Distance Analysis\W Lilac Covey Ln\2013-06-25\Sight Distance Analysis - West lilac Road and Covey lane at Lilac Hills Ranch.docx

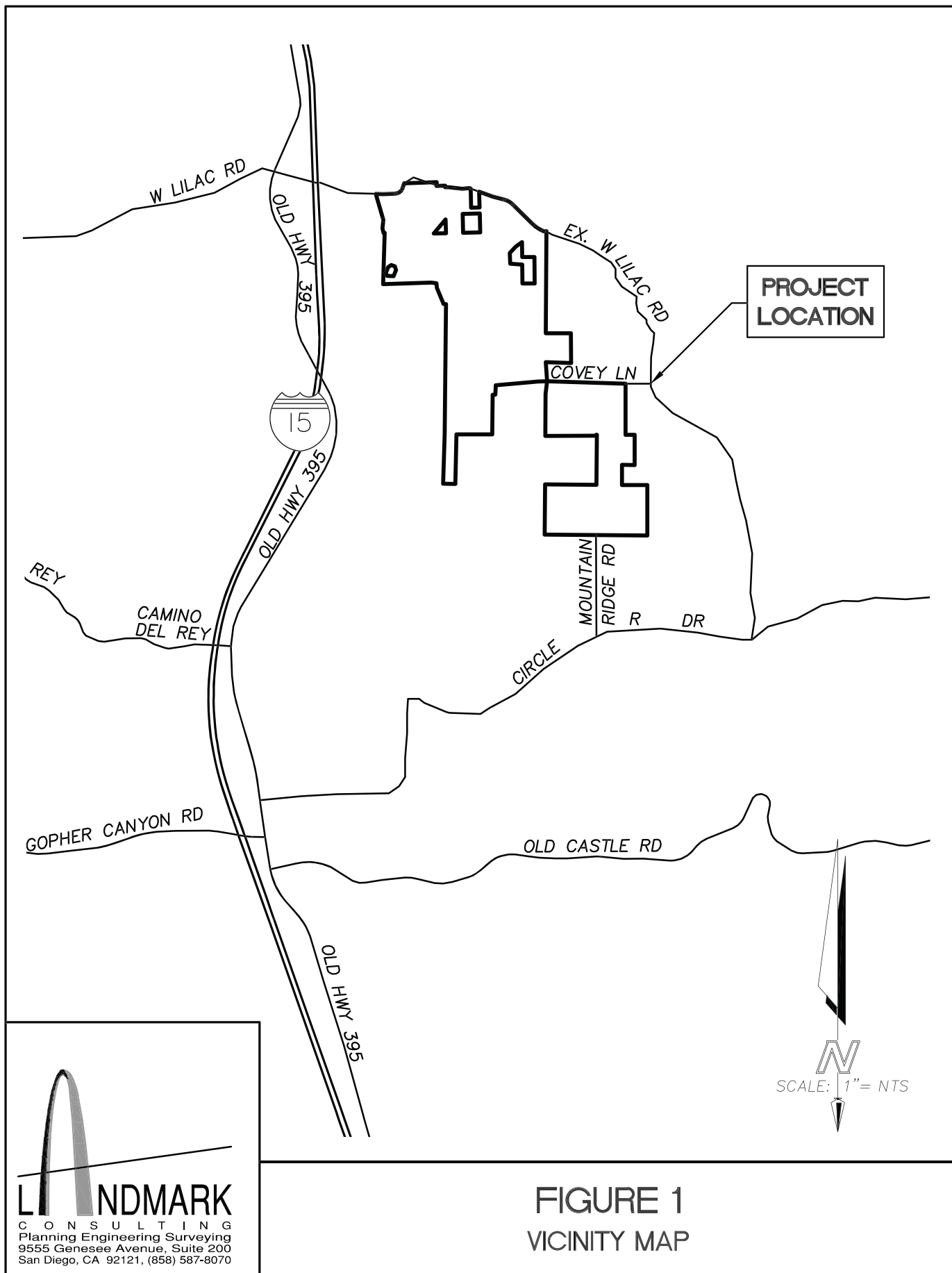
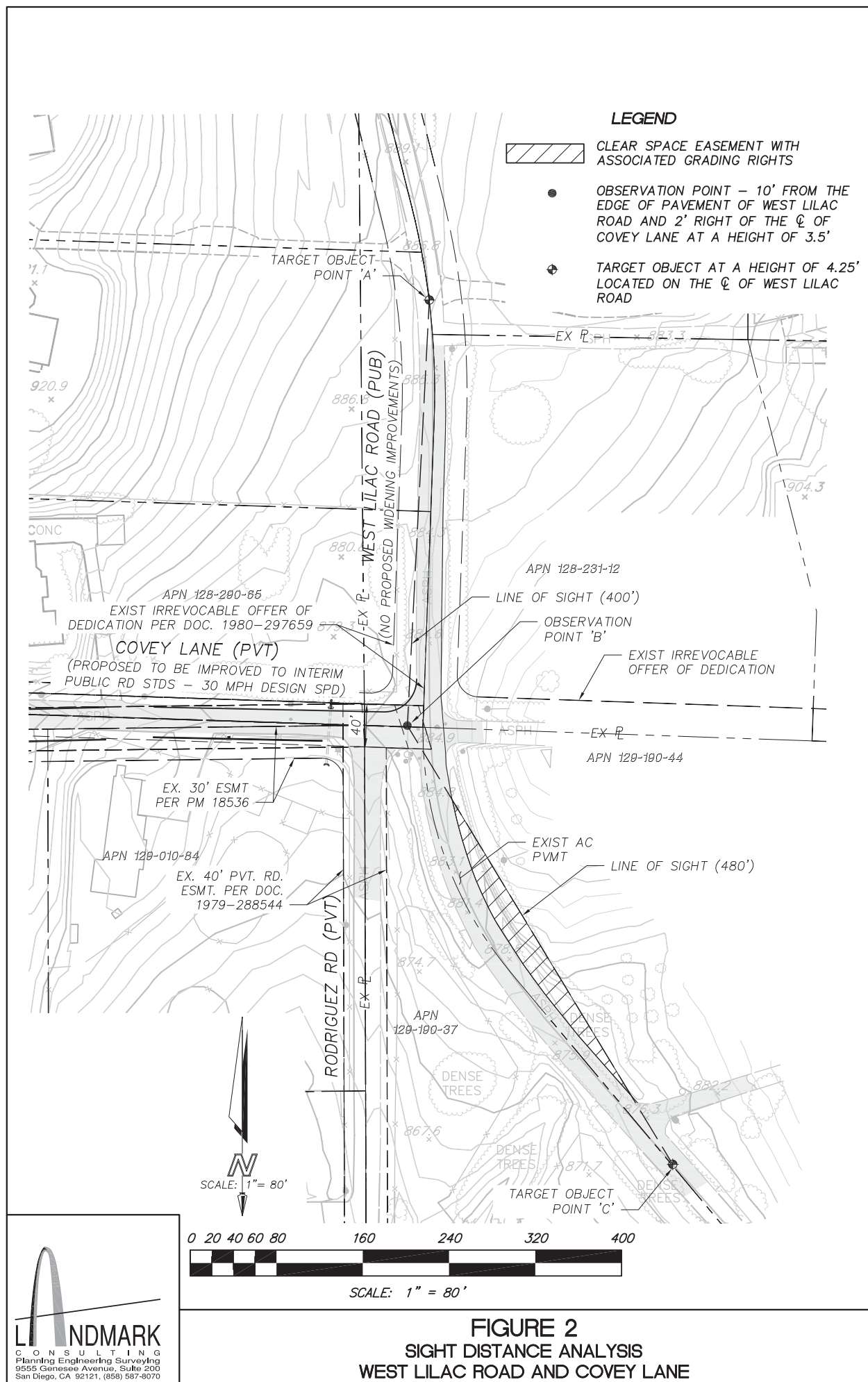


FIGURE 1
VICINITY MAP



PROFILE: W LILAC NORTH

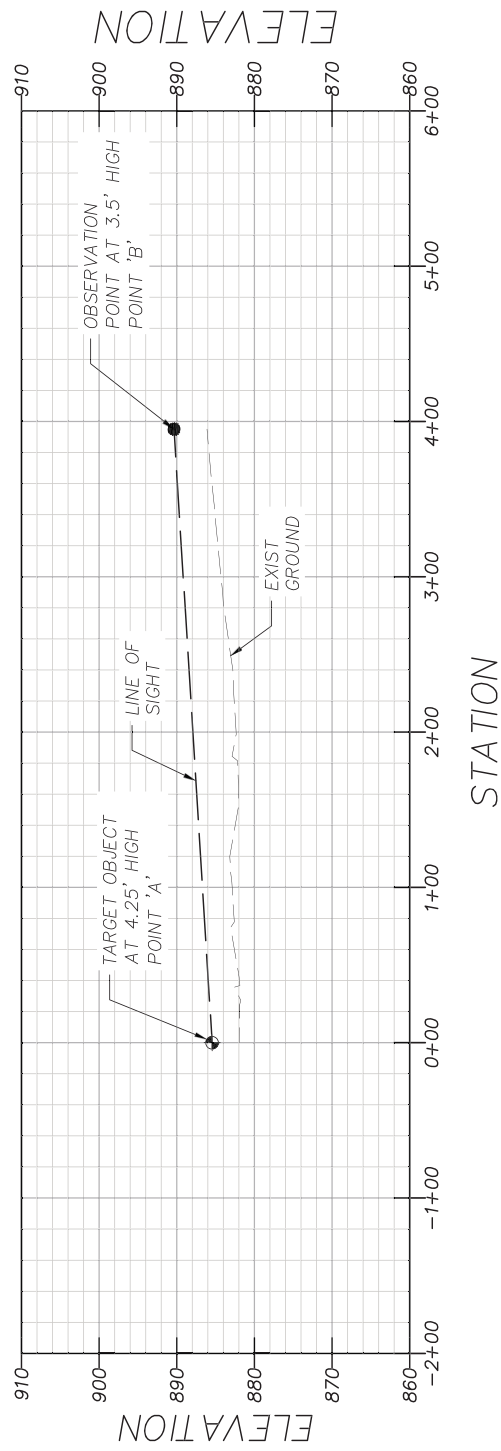


FIGURE 3
LINE OF SIGHT PROFILE FOR WEST LILAC ROAD AND COVEY LANE (SOUTHBOUND TRAFFIC)

PROFILE: W LILAC SOUTH

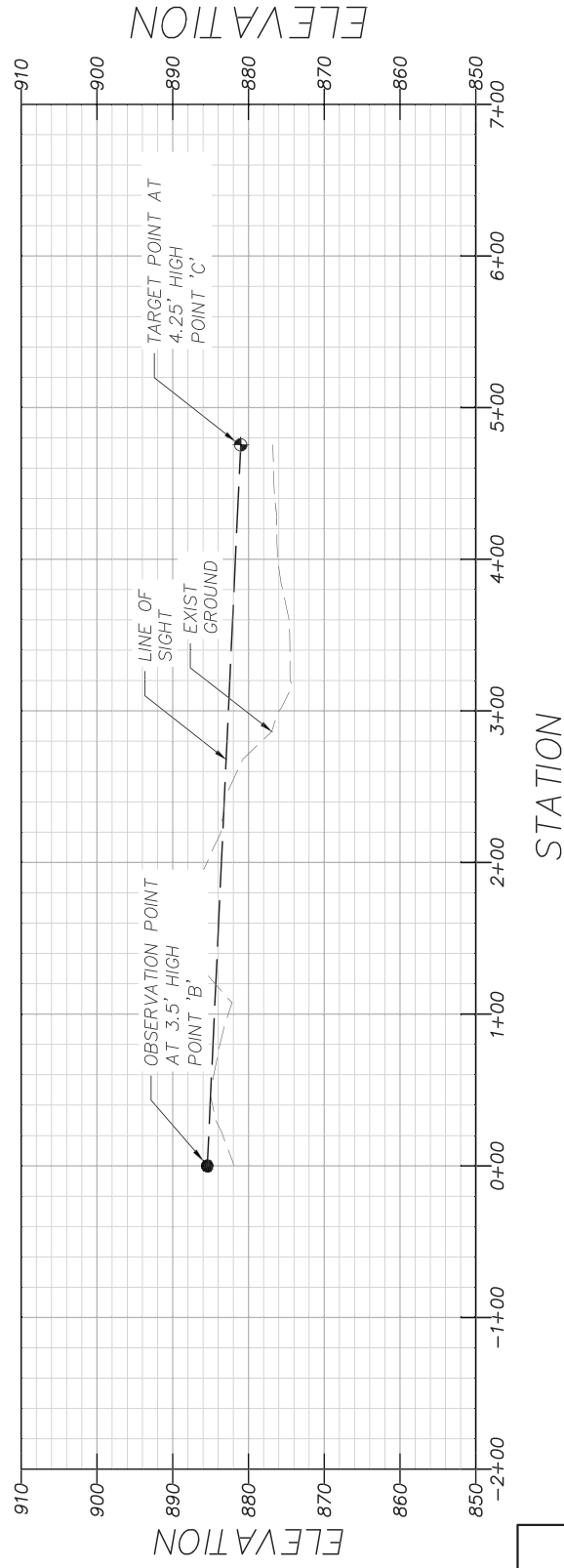
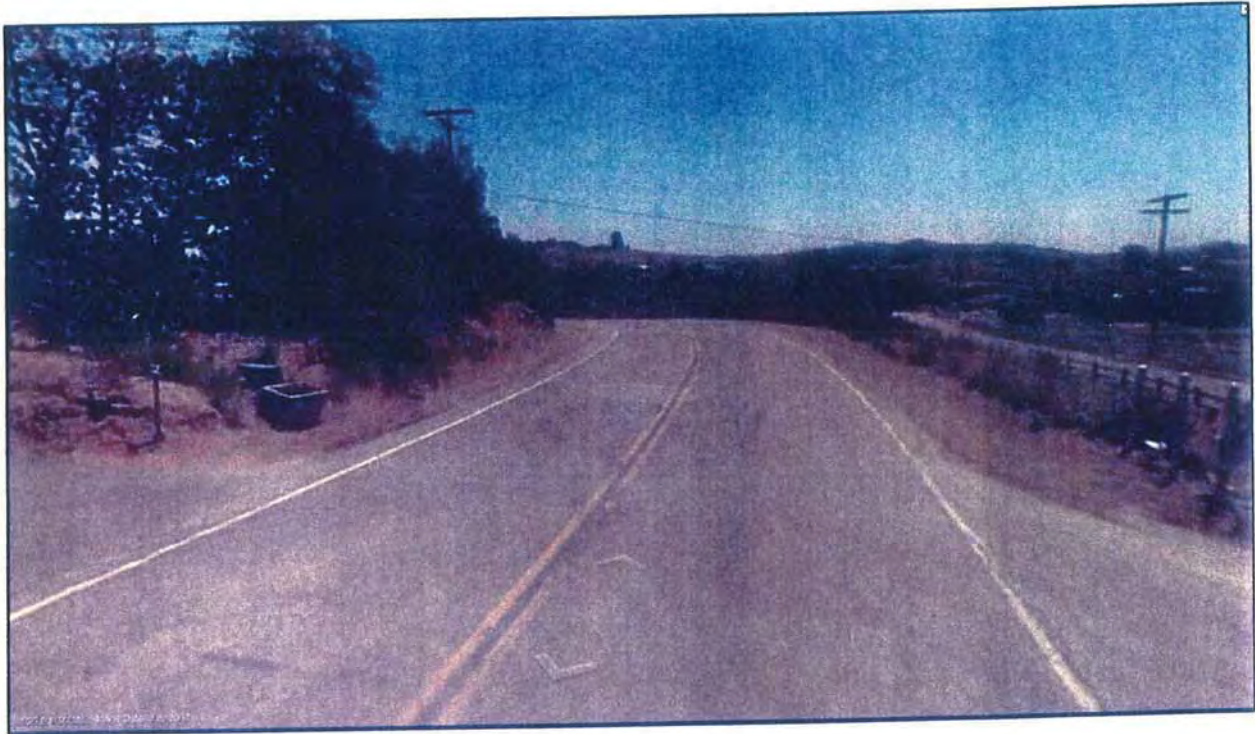
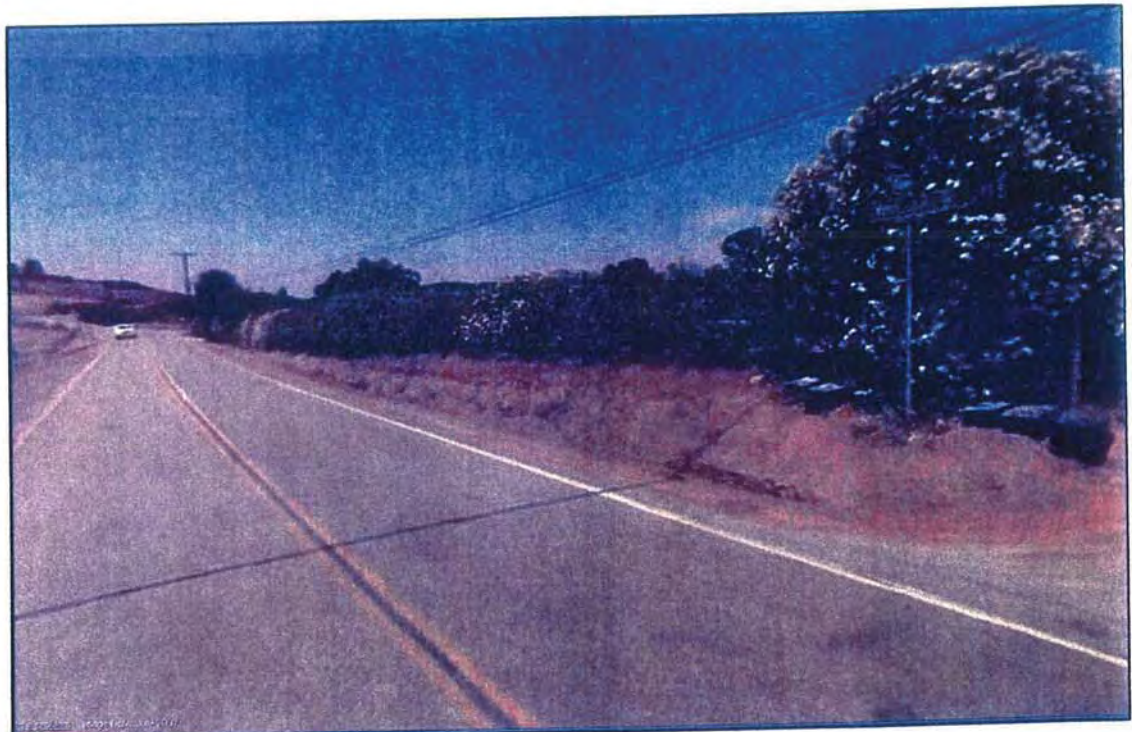


FIGURE 4
LINE OF SIGHT PROFILE FOR WEST LILAC ROAD AND COVEY LANE (NORTHBOUND TRAFFIC)



LOOKING SOUTH



LOOKING NORTH

**Request for a
Modification to a Road Standard
and/or to Project Conditions**

Project Number: TW 5571/5572 Date of Request: Sep. 13, 2012
Project Location: East side of Interstate 15, southerly of W. Lilac Road in the County of San Diego,
State of California. 127-072-28, 127-072-24 127-072-38, 127-072-41 127-072-40,
Thos. Bros. Map/Grid: 1049, 1069 APN: 127-072-46 127-072-47, 128-280-42 128-440-01, 128-280-46
128-280-27, 128-280-10, 128-440-23, 128-280-37 128-440-05
Requestor Name: Accretive Investments, Inc Telephone: (858) 546-0700
Address: 12275 El Camino Real, Suite 110, San Diego, CA 92130

Requested Modification (attach engineering sketches showing existing layout, details and notes):

The line of sight distance requirement per Public Road standard is 500' for 50 mph design
speed. The requested modification is to allow a reduced line of sight distance requirement
from 500' to 340'.

Reason for requested Modification (provide attachment if additional space is required):

The requested road modification pertains to the intersection of Mountain Ridge Road and
Circle 'R' Drive. This currently has an intersectional sight distance of 340' which is
achieved within the existing paved Circle 'R' Drive. (see attached Figure 2 Sight Distance
Analysis). The current line of sight distance of 340' is reasonable due to the low traffic
volume anticipated on Mountain Ridge. With minor clearing of brush and trees, a sight
distance of 500' can be achieved. For the applicant to do this would require a clearspace
easement from the adjacent, hostile property owner. Although there is no right-of-way for
Circle 'R' Dr here, the County could clear brush for this County maintained road through their
prescriptive rights on this road.

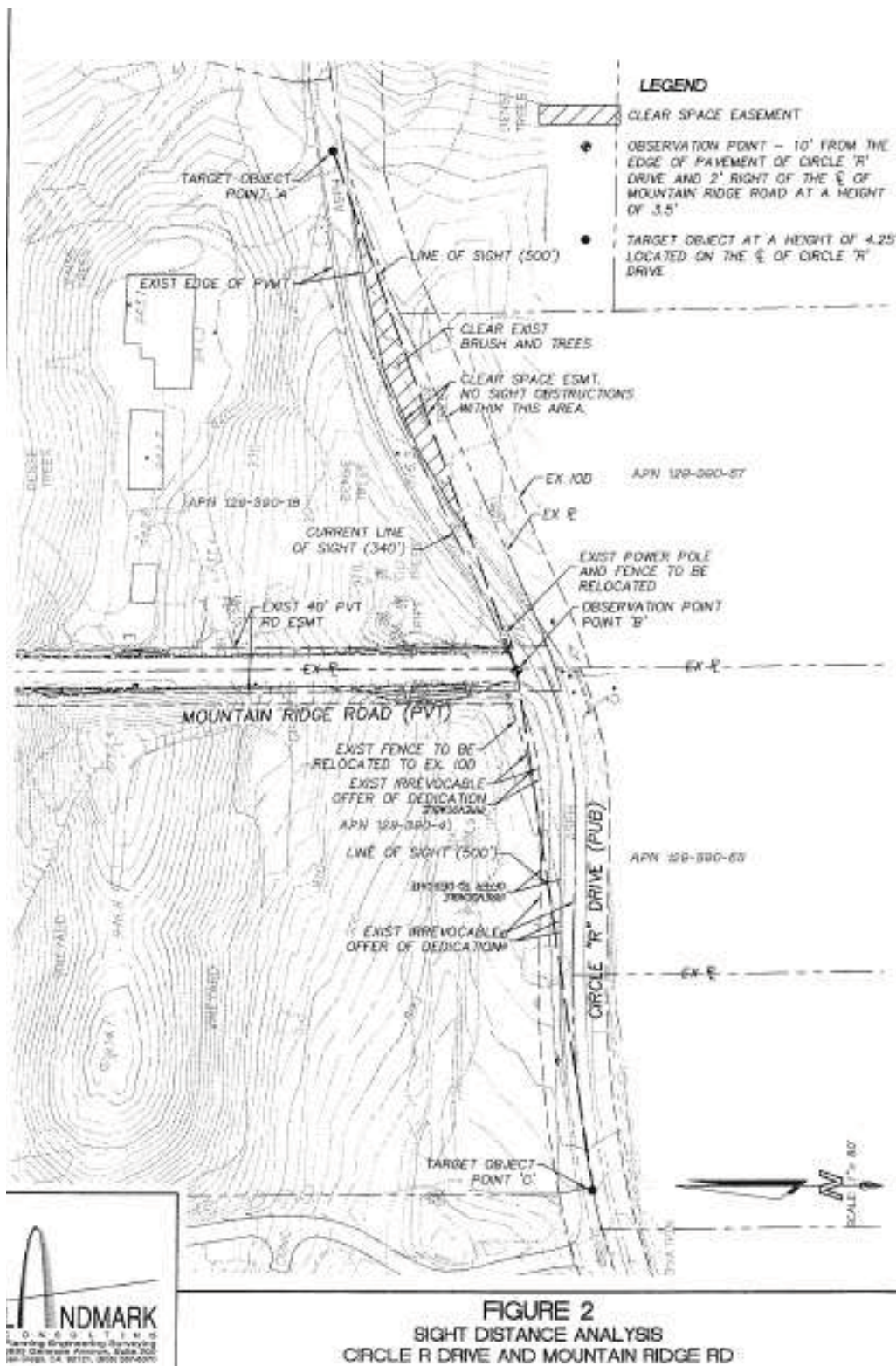
List alternatives that could mitigate the requested Modification (attach engineering sketches showing proposed layouts, details and notes): Relocate the intersection

Describe the hardship(s) to the property owner(s) and/or neighbor(s) if the request is not approved (see note 3. on reverse):

A 500' sight distance can be achieved without grading, but to maintain a permanent
clearspace, an easement from a hostile neighbor is required to clear brush and trees. Additional
cost and project delays can result from trying to obtain easement rights from this property owner
While County should have the rights to clear this brush with their prescriptive rights over this
County maintained public road.

Provide Design and Cost Estimate for meeting the Condition (see note 3. on reverse): _____

See reverse for directions and important information.





June 25, 2013

Mr. Jon Rilling
Accretive Capital Partners, LLC
12275 El Camino Real, Suite 110
San Diego, CA 92130

RE: Lilac Hills Ranch (TM 5571) - Sight Distance Analysis at Circle R Drive and Mtn Ridge Rd

Dear Jon:

Per your request, we have conducted the Sight Distance Analysis at the intersection of Circle R Drive and Mountain Ridge Road in Valley Center (see Figure 1 - Vicinity Map) to determine adequate sight distance per the San Diego County Public Road Standards requirements. For this analysis, it was assumed the existing alignment of Mountain Ridge Road would remain the same as it approaches Circle R Drive from the north.

The speed survey was completed between September 11, 2012 and September 16, 2012 by National Data and Surveying Services. Average speeds range from 34.7 to 37.0 mph while the 85th percentile, speeds were in the range of 41.3-44.0 mph (see table below). For this analysis, a 45 mph prevailing speed was used. Per the County of San Diego sight distance requirements, the minimum corner intersection sight distance is 450' for a prevailing speed of 45 mph.

Circle R Drive, just east of Mountain Ridge Road						
	ADT	Average Speed (mph)		85th Percentile Speed (mph)		Heavy Vehicle %
		EB	WB	EB	WB	
Weekday	1,822	34.7	36.7	41.3	44.0	2.0%
Weekend	1,407	34.5	37.0	41.5	44.0	2.5%

The line of sight from Observation Point 'B' looking east is of 450' has been achieved due to recent clearing performed in April 2013 along the existing public road within APN 129-390-18 between the existing pavement of Circle R Drive and an existing public road easement granted per PM 17205. It is recommended that this area be kept clear by means of preventative maintenance to maintain adequate sight distance at this Intersection. The County has prescriptive easement rights to this portion of Circle R Drive, a public road. Since the required clearing area is between the existing pavement to the north and an existing public road easement to the south, the County should have the right to clear this area to establish the required line of sight to assure public safety for the use of this existing public road as part of their normal maintenance responsibilities. However, a clear space easement should be obtained over this area (as illustrated on Figure 2) from the offsite property owner (APN 129-390-18) to ensure maintenance rights in perpetuity. Additionally, this clearing area falls within the 50' fire buffer area required by the Deer Springs Fire Protection District along all existing property lines.

The current line of sight for the eastbound traffic as seen from Observation Point 'B' on Mountain Ridge Road looking west toward Object Target 'C' on Circle R Drive is also adequate and neither maintenance nor clearing is recommended at this time.

Profiles through both lines of sight and photos are provided for clarity (Figures 3-6).

If you have any particular questions or require additional information, please do not hesitate to call.

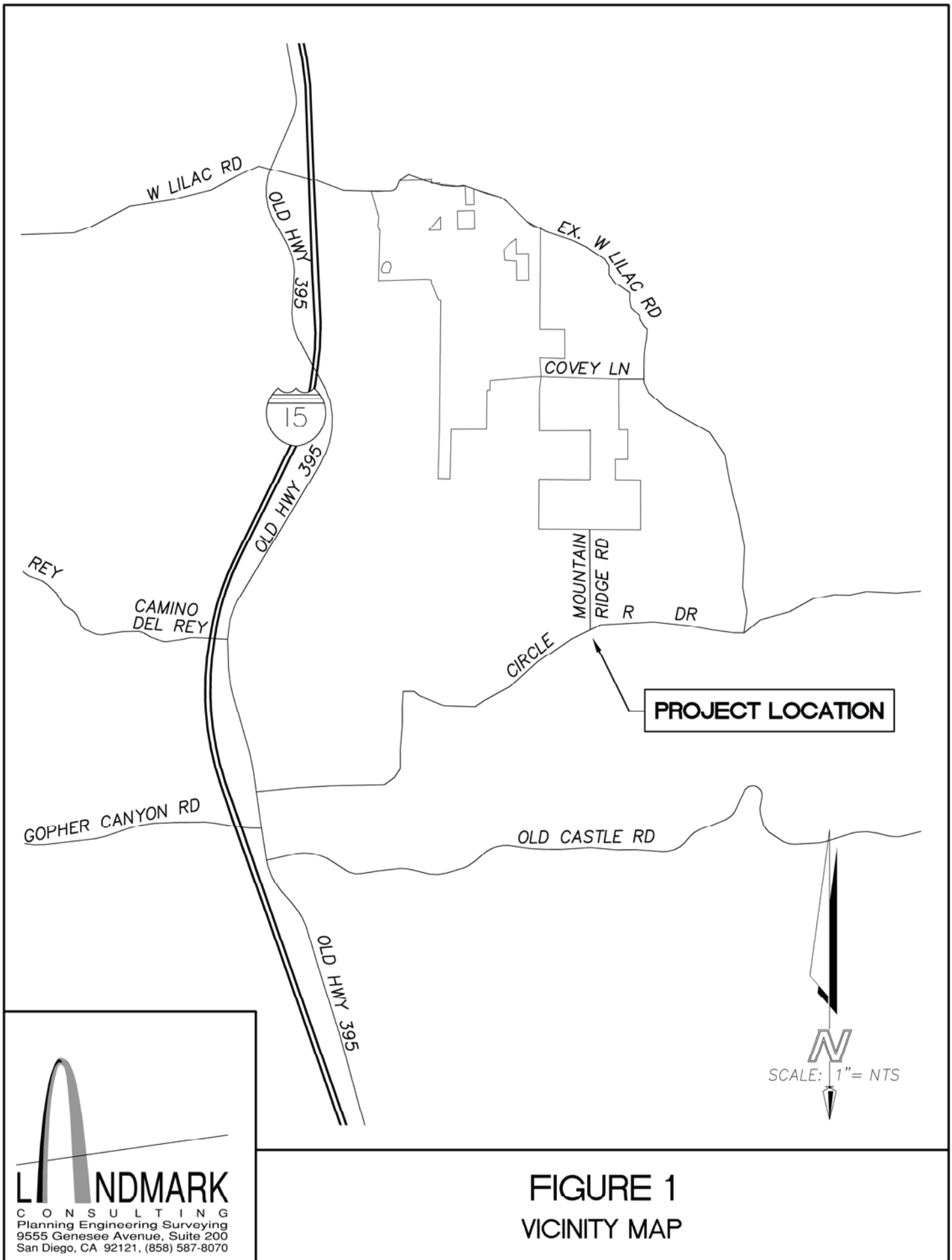
Sincerely,

LANDMARK CONSULTING

Mark A. Brencick, P.E., P.L.S.
President



F:\Dropbox\103-7\Drawings\ALT 1\Exhibits\Sight Distance Analysis\Circle R Mountain Ridge\2013-06-25\Sight Distance Analysis - Circle R and Mtn Ridge at Lilac Hills Ranch.docx



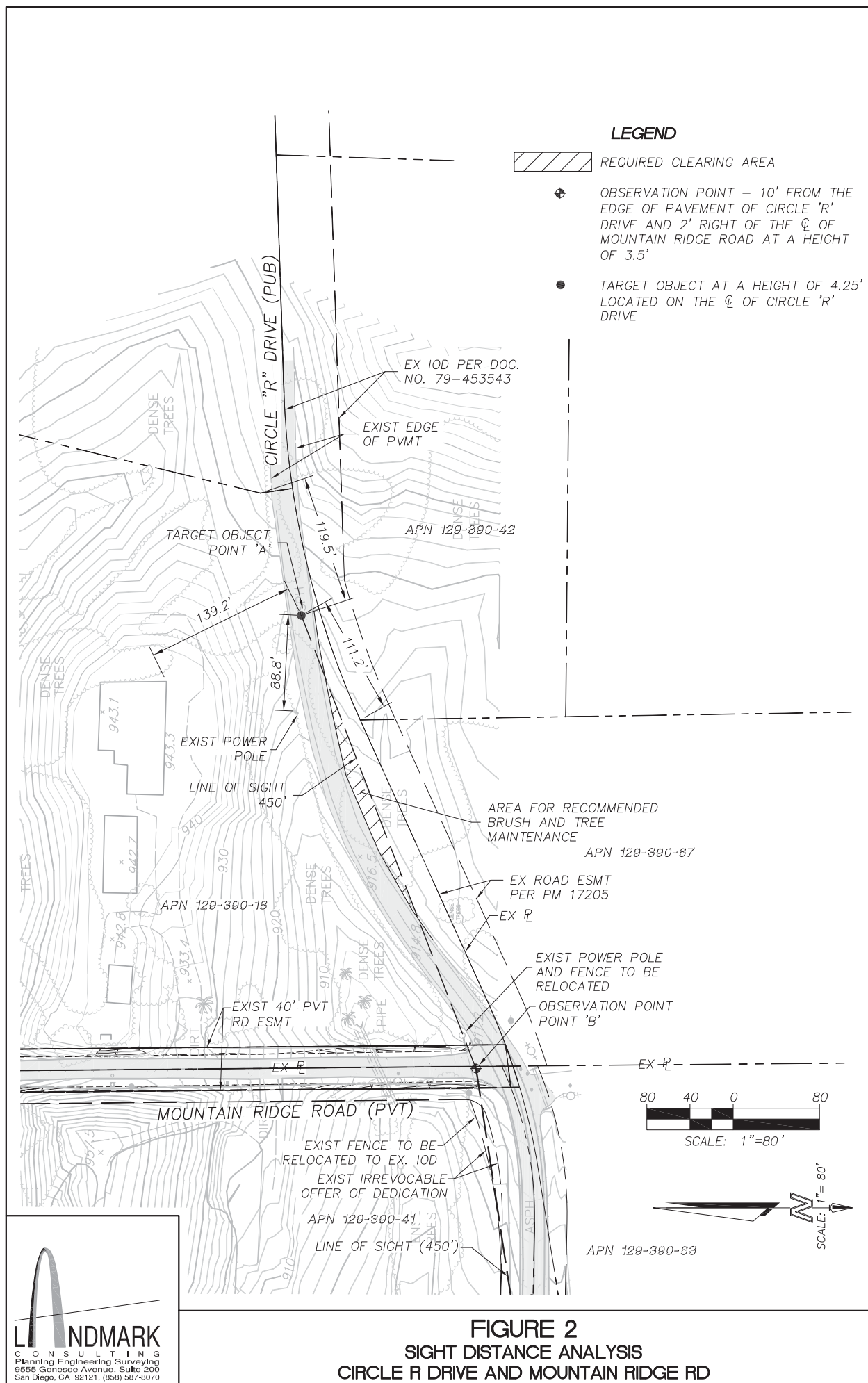


FIGURE 2
SIGHT DISTANCE ANALYSIS
CIRCLE R DRIVE AND MOUNTAIN RIDGE RD

PROFILE: CIRCLE R EAST

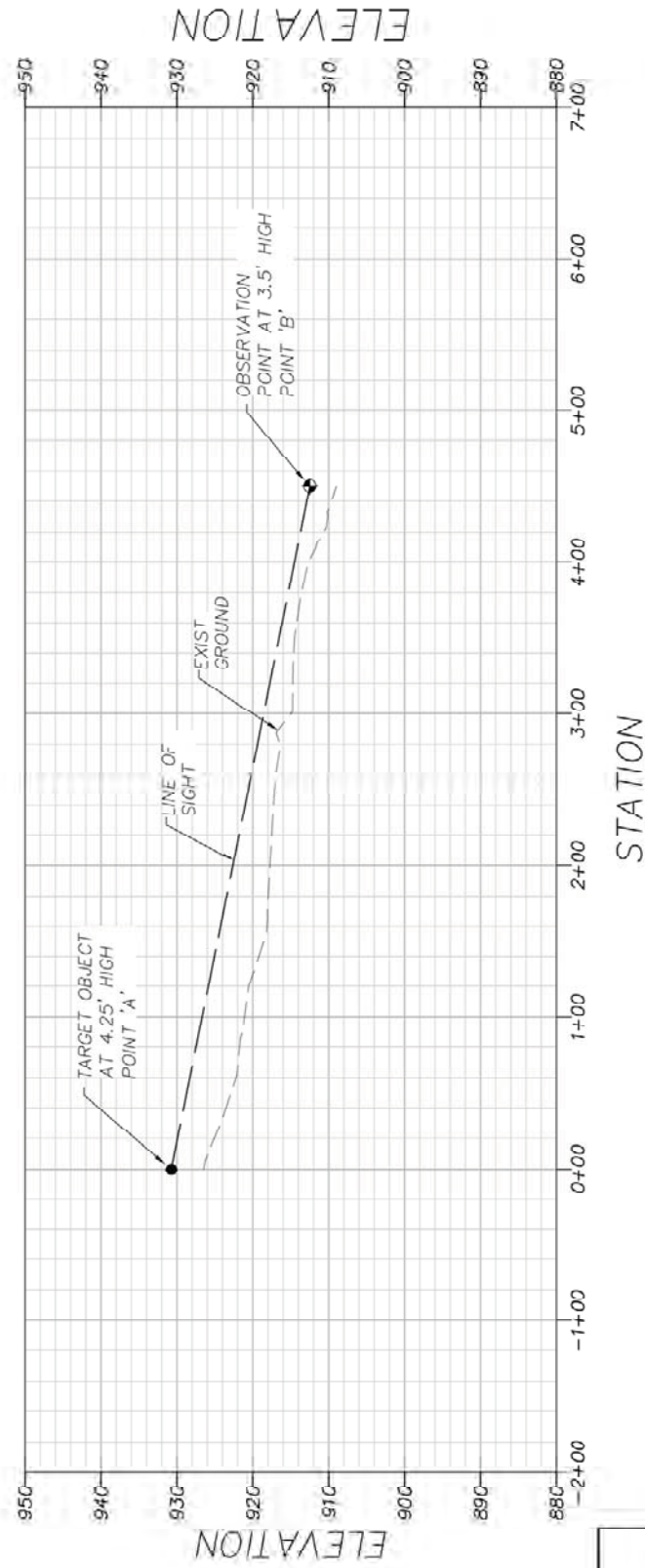


FIGURE 3
LINE OF SIGHT PROFILE FOR MTN RIDGE RD AND CIRCLE R DR (WESTBOUND TRAFFIC)

PROFILE: CIRCLE R WEST

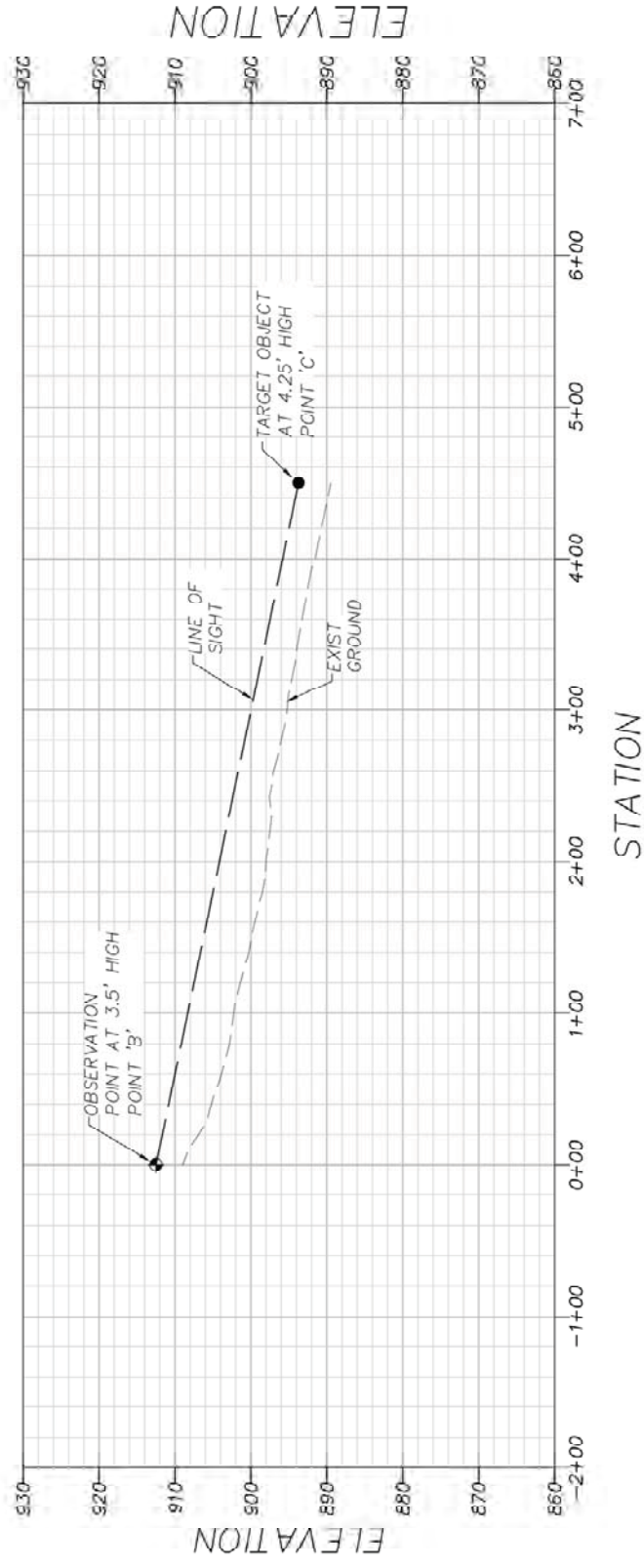


FIGURE 4
LINE OF SIGHT PROFILE FOR MTN RIDGE RD AND CIRCLE R DR (EASTBOUND TRAFFIC)



PHOTO: 05-01-2013



FROM MOUNTAIN RIDGE ROAD LOOKING WEST ONTO
CIRCLE "R" DRIVE

PHOTO: 05-01-2013



FROM MOUNTAIN RIDGE ROAD LOOKING EAST ONTO
CIRCLE "R" DRIVE

KEVIN K. JOHNSON, APLC

KEVIN K. JOHNSON
JEANNE L. MacKINNON
HEIDI E. BROWN

A PROFESSIONAL LAW CORPORATION
ATTORNEYS AT LAW
600 WEST BROADWAY, SUITE 225
SAN DIEGO, CALIFORNIA 92101

TELEPHONE (619) 696-6211
FAX (619) 696-7516

August 19, 2013

Mark Slovick, Project Manager
County of San Diego Planning and Development Services
5510 Overland Avenue, Suite 310
San Diego, CA 92123
Mark.Slovick@sdcounty.ca.gov
(858) 495-5172

Subject: DEIR Public Comment to the Proposed Accretive Lilac Hills Ranch General Plan Amendment and Specific Plan PDS2012-3800-12-001(GPA), PDS2012-3810-12-001 (SP), Draft Environmental Impact Report (DEIR)—**UTILITIES AND SERVICE SYSTEMS**

Dear Mr. Slovick:

This firm represents Heart of Valley Center, a California Non-Profit Corporation. On its behalf, we offer the following comments on the Utilities and Service Systems Section of the Lilac Hills Ranch DEIR.

Subchapter 3.1.7 Utilities and Service Systems Regulatory Framework fails to include or analyze compliance with Government Code sections 65352 and 65352.5 regarding referral to VCMWD of the proposed amendments to the County General Plan and VCMWD's compliance with the information provision requirements under section 65352.5 (c).

Please revise the DEIR to include an appropriate discussion of compliance with these sections.

Very truly yours,
KEVIN K. JOHNSON APLC


Kevin K. Johnson

August 19, 2013

cc: Claudia Anzures, Esq.
Mark Mead, Esq.

KEVIN K. JOHNSON, APLC

KEVIN K. JOHNSON
JEANNE L. MacKINNON
HEIDI E. BROWN

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TELEPHONE (619) 696-6211
FAX (619) 696-7516

August 9, 2013

VIA EMAIL

Mark Slovick
County of San Diego Planning and
Development Services
5510 Overland Avenue, Suite 310
San Diego, CA 92123
Email: mark.slovick@sdcounty.ca.gov

Subject: DEIR Public Comment to the Proposed Accretive Lilac Hills Ranch General Plan Amendment and Specific Plan PDS2012-3800-12-001(GPA), PDS2012-3810-12-001 (SP), Waste Water Management Alternatives Study

Dear Mr. Slovick:

Our firm represents Heart of Valley Center, a California Non-Profit Corporation. We have the following comments on the Waste Water Management Alternatives Study. By way of brief summary, the proposed Lilac Hills Ranch Project does not have valid easements for the Sewer and Recycled Water Pipeline Route labeled as Alternative 3. This fundamental problem must be specifically addressed in the DEIR both in terms of the feasibility and impacts of the project and in terms of appropriate avoidance and mitigation strategies.

Offsite Pipeline Route/Pipeline Right of Way(Alternative 3)

We have performed an analysis of the Waste Water Management Alternatives Study reviewing the preferred offsite route (Alternate 3) for sewer and recycled water pipelines. This route proposed by Accretive Investments **does not have legal** right-of-way easement to transport recycled water or sewer pipelines across the route depicted in Figure 3-4 "*Offsite Sewer Collection System.*"

This conclusion is supported in a July 8, 2013 letter from the Valley Center Municipal Water District (VCMWD) to Mark Jackson. See Exhibit "A" attached hereto. The District therein **confirms that VCMWD has inadequate legal easements** along the route analyzed (Alternate 3) for the purposes indicated in the Waste Water Management Alternatives Study.

Please address the entire content of the subject letter including the section regarding the highly unlikely use of Eminent Domain powers by the District to secure utility easements.

Also, it is highly unlikely that Accretive, on its own, has the ability to obtain the necessary rights for the preferred Alternate 3 route. We are not aware of any neighbors being

August 9, 2013

willing to convey easement rights to enable a project that is dramatically inconsistent with the General Plan and local Community Plans

Alternative Routes 1 and 2

We have only had time to analyze the Preferred Route. There are two other candidate routes indicated in the study. Given the underlying problems with Alternative 3, very specific evidence is needed to show that Accretive has the necessary rights to build along these routes. If not, all sewage treatment and water recycling functions must be performed on-site at the proposed Lilac Hills Ranch Subdivision.

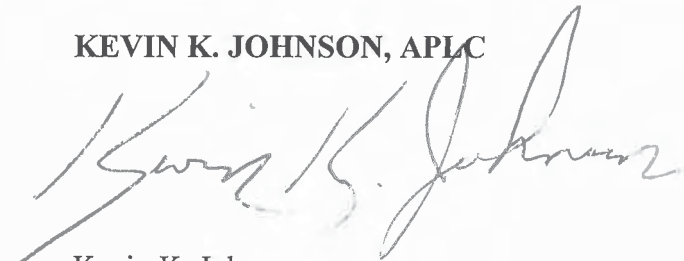
The DEIR should include all relevant easement documents. It should also Geo locate on a map (showing relevant APN numbers and boundaries) **all** of the claimed easement rights and tracing **all offsite** routes for sewer and recycled water pipelines identified in Figures 3-2 and 3-4. This analysis is necessary to determine if legal right-of-way exists. If there is legal right of way, these offsite routes potentially disturb Sec. 404 wetlands and other natural resources. Accordingly, specific mapped locations of the proposed pipeline routes are required to properly assess impacts. A detailed and comprehensive natural resource map, with pipeline route overlays should also be prepared and there should be a specific discussion of avoidance and mitigation measure options.

In the event there are no feasible off site routes for the subject pipelines, there will be multiple and serious issues associated with on-site treatment. These include but are not limited to, odor, hazardous chemical usage and storage, heavy vacuum truck traffic for residual solids removal, and depending on location, there are likely to be significant, direct biological impacts. There is also the major issue of growth inducement by a new onsite treatment plant.

Given the complexity of these issues, we request that the DEIR be rewritten and recirculated for public review and comment. As noted earlier, there has not been time to study the easement rights to Alternatives 2 and 3. The public deserves the opportunity to look at and comment upon whatever new evidence is developed regarding the easement rights and related environmental impacts. There should also be written responses by the County to those comments otherwise there will be denial of the right of the public to meaningfully participate in the planning process.

Very Truly Yours,

KEVIN K. JOHNSON, AP/C

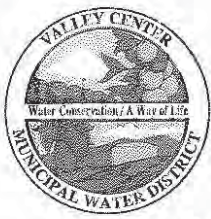
A handwritten signature in black ink, appearing to read "Kevin K. Johnson", is written over a faint, larger version of the same signature.

Kevin K. Johnson

August 9, 2013

CC: Claudia Anzures, Esq. (via email)
Mark Mead, Esq. (via email)

Exhibit "A" – July 8, 2013 Valley Center Municipal Water District to M. Jackson letter



VALLEY CENTER MUNICIPAL WATER DISTRICT

A Public Agency Organized July 12, 1954

Board of Directors
Gary A. Broomell
President
Robert A. Polito
Vice President
Merle J. Aleshire
Director
Charles W. Stone, Jr.
Director
Randy D. Haskell
Director

July 8, 2013

(Revised from original letter dated July 2, 2013)

Mark Jackson
9550 Covey Lane
Escondido, CA 92026

Dear Mr. Jackson;

We enjoyed meeting with you on Friday, June 28, 2013 concerning the Lilac Hills Ranch Project. During our meeting, you asked a number of questions to which we have provided the answers as follows:

Question: *"The Developer has indicated his intent to run sewer force mains on three offsite routes for which I believe the District does not have easement rights to place sewer lines in. The information and my assessment are below.*

Route	APN's	Easement Doc.	Dimensions	VCMWD right
Covey Lane Parcels	128-290-76 and 128-290-77	1968-155521	20' Easement	Water Only

Route	APN's	Easement Doc.	Dimensions	VCMWD right
West Side of Mountain Ridge – SBDN boundary to Circle R	Various North approx. 1320'	1965-214916	20' Easement	Water Only
	Various South approx. 1260'	1965-206816	20' Easement	Water Only

Route	APN's	Easement Doc.	Dimensions	VCMWD right
East Side of Mountain Ridge – SBDN boundary to Circle R	Various North approx. 1320'	1992-0253368	20' Easement	Water and Sewer
	Various South approx. 1260'	1965-214912	20' Easement	Water Only

Am I correct?"

Answer: VCMWD does not presently have sewer or recycled water easement rights across the Covey Lane parcels or the West side of Mountain Ridge private road from the Lilac Hills Subdivision Boundary to the Circle R Public Road.

On the East side of Mountain Ridge private road, VCMWD lacks sewer easement rights for the southern approx. 1260 feet to connect to Circle R public road.

In order for Accretive to use these routes for sewer and/or recycled water routes, additional rights will need to be secured from existing property owners for the selected route.

Question: (Added for revised letter of 7/8/13) *"Since the Developer does not have easement rights for sewer on the Mountain Ridge route indicated in their Waste Water Management Alternative studies, does VCMWD have powers to acquire the rights via Eminent Domain?"*

Answer: (Added for revised letter of 7/8/13) VCMWD does have the Power of Eminent Domain and has used it on limited occasions for its own projects. California law does provide that at the governing board's discretion a public agency can acquire easements or property by eminent domain for facilities that the agency has required on behalf of private developers at the full expense of the developer. Using eminent domain to acquire property or easements has an intrinsically controversial nature which would certainly be amplified by the prospect of using the easement being acquired on behalf of a private interest. It is likely that the Board would require the developer to clearly document and demonstrate that it has made a significant effort to acquire the required easement through private means and/or that the developer has explored all reasonable alternatives or alternative routes before it would even entertain using its eminent domain powers to acquire these rights of way. ***Ultimately it is not mandatory for the Board to use its powers of eminent domain to acquire easements for private development interests.***

Question: *"What are the Pipeline horizontal separation requirements for placement of Potable Water, Recycled Water, and Sewer lines?"*

Answer: Typically, sewer must be separated by 10 feet from a potable water line. Sewer and Recycled Water must be separated from each other by 5 horizontal feet to allow access for pipeline maintenance and repair. Separation requirements for water/sewer lines may be decreased to 4-feet using special construction materials and placing the sewer line below the waterline. In extremely rare cases, the Department of Health may allow new sewer lines 1-foot from potable waterlines. However, due to operational and maintenance access needs, VCMWD would only allow less than 5-feet of separation between potable/non-potable lines if no other feasible alternative were available.

By using special construction materials and with special approval from the Department of Health Services, VCMWD understands that sewer and recycled water may be placed within the same trench using special construction materials and placement of the lines at different depths. VCMWD would review the separation of the non-potable lines in terms of access for pipeline maintenance and repair. Please refer to the attached

Figures 1 and 2 of the Department of Health Services Guidance Memo dated April 14, 2003 for more information.

Question: *"What is the wet weather recycled water retention on-site storage requirement?"*

Answer: Typically, 84 days of estimated average 24 hour recycled water generation storage is required. This can vary depending upon the ratio of irrigation area to recycled water produced. The final determination is made by the San Diego Regional Water Quality Control Board.

Question: *"I understand that VCMWD and Accretive have entered into a phased agreement that defines the steps to incrementally evaluate Water and Wastewater services. Could a copy be provided?"*

Answer: The agreement, which was approved by our Board, but yet unsigned by Accretive, is attached for your review.

Subsequent to our meeting on Friday, June 28, 2013, you posed additional questions via an e-mail sent later that day. Those questions and our responses are as follows:

Question: *"Did I understand you correctly that all recycled water (tertiary treated to Title 22 standards) generated by the Development must be used on-site for appropriate purposes (park and common area irrigation, agricultural irrigation, etc.)? Key concept being 'on-site'. Could Accretive sell the recycled water to Welk Resorts and Castle Creek Country Club for golf course irrigation? Or must they use the water within their 608 acre project?"*

Answer: The project will be required to provide secure, long-term suitable beneficial use areas for the recycled water to off-set potable use within the project limits. Typically these areas are properties that may utilize recycled water on a long-term basis in place of potable water such as parks, agricultural land, and landscaped areas. The beneficial use areas may be within or outside the limits of the project. Accretive may not sell recycled water; VCMWD will own all recycled water generated from the project and will own and operate the recycled water transmission and distribution systems. Prospective recycled water users include on-site parks, landscaping, and agricultural areas and off-site agricultural and landscaped areas fronting the recycled lines.

Question: *"Could you please provide contact information for the appropriate individual at the San Diego Regional Water Quality Board to discuss Lilac Hills Ranch water quality issues?"*

Answer: The RWQCB contact is as follows:

**Fisayo Osibodu
WRC Engineer
Southern California Regional Water Quality Control Board
San Diego Region
(858) 637-5594**

If you have additional questions or require additional information, please feel free to contact us at your earliest convenience.

Sincerely;

A handwritten signature in black ink, appearing to read "Dennis Williams", written in a cursive style.

Dennis Williams,
Project Manager/Deputy Eng. Dept. Director

Attachments

(Please see attachments sent with original letter dated July 2, 2013)

KEVIN K. JOHNSON, APLC

KEVIN K. JOHNSON
JEANNE L. MacKINNON
HEIDI E. BROWN

A PROFESSIONAL LAW CORPORATION
ATTORNEYS AT LAW
600 WEST BROADWAY, SUITE 225
SAN DIEGO, CALIFORNIA 92101

TELEPHONE (619) 696-6211
FAX (619) 696-7516

August 12, 2013

VIA EMAIL

Mark Slovick
County of San Diego Planning and
Development Services
5510 Overland Avenue, Suite 310
San Diego, CA 92123
Email: mark.slovick@sdcounty.ca.gov

Subject: DEIR Public Comment to the Proposed Accretive Lilac Hills Ranch General Plan Amendment and Specific Plan PDS2012-3800-12-001(GPA),PDS2012-3810-12-001 (SP), Improper withholding of critical information regarding Public Review of the Lilac Hills Ranch (LHR) Draft Environmental Impact Report (DEIR)

Dear Mr. Slovick:

This law firm represents Heart of Valley Center, a California non-profit corporation. We have the following comments on critical information that has been improperly withheld from the DEIR process. We believe the omissions below require the County to 1) redefine the scope of the project to include all of the impact areas that have not been addressed; and 2) revise the DEIR and re-notice and recirculate the expanded document for public review and comment.

Specifically, the County of San Diego has not shared LHR DEIR information in accordance with CEQA public information distribution requirements in at least 4 very critical areas. These areas are listed below:

1. Accretive Investment's ("Accretive") ten (10) requests for major Exemptions from County Road Standards;
2. The "Dudek" Fire Service Response Time Analysis;
3. The absolute lack of design information for the Lilac Hills Ranch/Covey Lane intersection; and
4. The existence of "Road 15660" and its relationship to the LHR Project.

The relevance and importance of each of these areas is discussed in detail below.

August 12, 2013

1. Request for Exemptions from County Road Standards (RFEFCRS)

Any material deviation from County Road Standards passes a serious threshold which requires full CEQA analysis and subsequent public review of the micro and macro consequences of granting the exemptions. This is especially the case where it appears the project cannot be built unless the County approves an unprecedented number of exemptions.

In April 2013 an alert citizen noticed a reference to RFEFCRS and requested that the County provide a copy of the RFEFCRS. The chronological e-mails between the citizen and the County are enclosed in Attachment A – Citizen e-mails to County re: RFEFCRS and “Dudek.”

As a result of this alert citizen, the County of San Diego did provide a limited distribution of the April, 2013 revisions of Accretive’s LHR RFEFCRS to the Valley Center Community Planning Group (VCCPG) and the Bonsall Sponsor Group (BSG) via e-mail on May 13, 2013. In the e-mail, the County requested that VCCP and BSG comment on the proposed RFEFCRS.

On June 4, 2013, the BSG in its regularly scheduled meeting voted 6-0-0 to reject the RFEFCRS.

On June 10, 2013, the VCCPG in its regularly scheduled meeting rejected the RFEFCRS with a 9-0-2 vote. Two VCCPG members recused themselves from the voting item because of their personal residence proximity to the proposed LHR project, so it was in fact a unanimous rejection of the RFEFCRS.

The extent of the distribution, if any, by the County beyond the VCCPG and BSG of this critical RFEFCRS information is unknown and should be fully disclosed with appropriate backup documentation.

We do know that the County did not post any version of the RFEFCRS on the County’s LHR DEIR web site. Accordingly the public has been denied access to important and, we believe, critical information regarding the scope and impacts of the project. Of course, the public has simultaneously been denied the opportunity to comment on the subject information.

2. The “Dudek” Fire Service Response Time Analysis

In the April 9, 2013, Mark Jackson/Mark Slovic telephone conversation documented in the e-mail in Attachment A , the County of San Diego refused to release a LHR Fire Services Time Analysis prepared by Dudek Engineering (hence the reference to the “Dudek report” in County correspondence).

Fire Service response time is a critical safety parameter for brush and structure fires, as well as Emergency Medical Services.

In a July 26, 2013, meeting with Ann Quinley and Mark Jackson, Deer Springs Fire

August 12, 2013

Protection District Chief Chris Amestoy had extensive comments on the failure of the LHR Project to meet the 5 minute Fire Service Response time standard. He referred to information in “the Dudek report” on several occasions, and asked whether the VCCPG was provided a copy of “the Dudek report.”

The report is obviously considered important by a key fire expert yet, the County withheld distribution of “the Dudek report”. The public has been denied the proper opportunity to review and comment upon the Fires Service Emergency Response Time – a critical safety issue.

3. The Absence of Design Information for the Lilac Hills Ranch/Covey Lane Existing Private Road Intersection

Lilac Hills Ranch Road (LHRR) is the major internal north/south roadway for the proposed LHR subdivision. LHRR is the route to access the LHR Project’s secondary access roads, the existing Covey Lane and Mountain Ridge private roads.

Accretive has provided no detail of the road design of the intersection of LHRR and Covey Lane. THIS IS THE ROUTE FOR SECONDARY ACCESS ROADS FOR COMPLIANCE WITH THE COUNTY’S CONSOLIDATED FIRE CODE.

Resident Mark Jackson, in an e-mail dated June 27, 2013, made the observation that there are no details on the intersection’s design and identified these fundamental issues for the County:

1. There is inadequate sight distance line and other design considerations that result in a very high likelihood that the intersection does not meet County Road Standards.
2. Accretive does not have legal rights to obstruct Covey Lane with the LHRR intersection.
3. A parcel of land critical to the road infrastructure for the project is not included in the project as defined in the DEIR.

See Attachment B.

On July 2, 2013, a response to these issues came in an e-mail from Project Manager Mark Slovick. See Attachment B. In summary, the County believes that some of the information either does not need to be in the DEIR at all or that it is proper to defer an analysis of project scope, impacts and mitigation until a later phase of the project. The fundamental problem with this position is that the information needed is relevant to whether any phase of the project—not just a later phase—can and should be built. Deferral of foreseeable impacts constitutes improper “piecemealing” of a project.

August 12, 2013

4. The Existence of “Road 15660” and Its Relationship to the LHR Project

In April 2012 alert citizens noticed that a major grading permit was filed by Accretive on a route that ran across its property in the County’s “KIVA” on-line permit system. See Attachment C- March 19, 2012, Road 15660 Permit Application. This permit was filed 42 days prior to Accretive filing its General Plan Amendment Request for the LHR Project.

Accretive owns a 40 foot wide road easement across this property that is expressly limited to provide access to a single landlocked 11 acre parcel presently in agricultural uses. The current General Plan enables maximum build out of 2 residential units on the 11 acre landlocked parcel owned by Accretive.

The citizens contacted the County Department of Public Works and received no information whatsoever about the permit. The details of the County’s response are chronicled in Attachment D - CPRA and Counsel _DPLU_DPW notice of the link between Road 15660 and LHR Project.

In frustration, on June 4, 2012, the citizens submitted the California Public Records Act request included in Attachment D.

The Office of County Counsel provided access to the major grading plan contained in Attachment E - Road 15660 - Major Grading Plan. The citizens were astounded at the major grading plan --- the largest possible private road that fit (marginally) in the 40 foot easement was indicated in the grading plans.

The citizens informed the Department of Public Works (“DPW”) and Planning and Development Services (“PDS”) (DPLU at the time) that the road location disturbed a seasonal wetland that drained significant acreage and had environmental impact. The citizens were informed that no environmental impact assessment was required, because this was just a major grading permit not associated with any subdivision of property.

On or about September 25, 2012, the first “circulation map” for the LHR Specific Plan was released – some versions indicated use of Road 15660 as a major internal circulation road for the use of the LHR Project.

In frustration, the citizens wrote the November 22, 2012, letter contained in Attachment D to the Senior Deputy County Counsel, the Lilac Hills Project Manager, the Director of PDS, and the Director of DPW. The letter provides factual evidence that Road 15660 and its environmental impacts are directly related to the Accretive Lilac Hills Ranch Project.

This letter has been unanswered by the County.

In the intervening months, the lack of design disclosure regarding the Lilac Hills Ranch/Covey Lane intersection and its relationship to Road 15660 raises many valid questions.

August 12, 2013

Road 15560 is directly related to the LHR project. It needs to be disclosed for public review and comment on its environmental impacts.

Requested Actions of the County

CEQA Guidelines Section 15088.5 requires the recirculation of an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review but before certification.

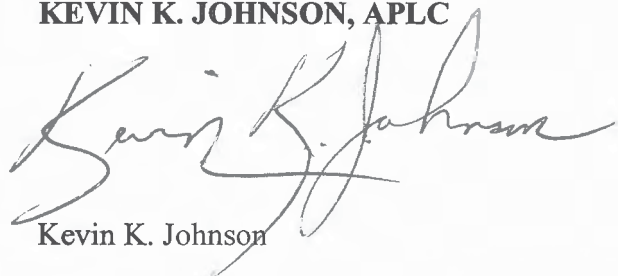
The County has failed to properly describe the project and is “piecemealing” the project by withholding and/or only partially disclosing key information in, at least, the four areas discussed above. The public therefore has been denied the most basic of rights under CEQA.

The County is required to properly define the scope of the project and to provide a good faith analysis of all of the project’s impacts. The revised DEIR should include this letter with full, reasoned responses to its contents. It should also endeavor to disclose any other documentation in its files relevant to the project that has been withheld. This would include any and all technical studies.

Thank you for your attention to these matters.

Very Truly Yours,

KEVIN K. JOHNSON, APLC



Kevin K. Johnson

cc: Claudia Anzures, Esq. (via email)
Mark Mead, Esq. (via email)

Attachment A - Citizen emails to County re RFEFCRS and “Dudek Report”
Attachment B - emails re: Lilac Hills Ranch Road Covey Lane intersection
Attachment C- March 19, 2012, Road 15660 Permit Application
Attachment D - CPRA and Counsel _DPLU_DPW notice of the link between Road 15660 and LHR Project
Attachment E - Road 15660 - Major Grading Plan

ATTACHMENT A

Attachment A – Citizen e-mails to SD County re: RFEFCRS and Dudek

April 8, Jackson to Slovick e-mail requesting RFEFCRS

| from: **Mark Jackson** <jacksonmark92026@gmail.com>
to: Mark Slovick <Mark.Slovick@sdcounty.ca.gov>
date: Mon, Apr 8, 2013 at 9:10 AM
subject: Lilac Hills Ranch Information request - Important
mailed-by: gmail.com

Mark - the Project Issues checklist released to the public March 28, 2013 indicates the information attached has been revised since the Feb 11, 2013.

I need to coordinate with you on your plans for public release of this revised information

I will give you a call this morning.

It will only take a few minutes

Talk to you shortly,

Mark Jackson
760-731-7327

Attachment follows:

Attachment A - Requested Documents

Reference to Check List

Entirely New Documents

Item	No.	Subject Area	Requested Document
19	12	Master Prelim. Grading Plan	Plotted Easements from Chicago Title Company
20	13	Master Tentative Map	"
20	39	Master Tentative Map	"
20	41	Master Tentative Map	"
1	5	Major Project Issue - Travel Time	Capabilitied (<i>sp?</i>) Assessment prepared by Dudek

17 1 Exception Request

Seven exception requests that the County has Received and reviewed

26 104 Specific Plan - Wastewater

Valley Center Municipal Water District letter dated 3-6-13

Documents revised since 11 Feb 2013 Submission

Specific Plan Text and Graphics - as revised
 Specific Plan Text - Change tracker to Feb 11 2013 document

 Master Tentative Map
 Master Preliminary Implementing Grading Plan
 Traffic Impact Study - most recent version

Accepted Studies

Date Accepted

12/10/2012	Emergency Response Plan and Risk Management Plan
12/10/2012	Geotechnical Report
12/10/2012	Groundwater Investigation
12/10/2012	Hazardous Materials Information
12/10/2012	Memorandums of Understanding
12/10/2012	Off-Site Biological Mitigation Information
12/10/2012	Phase I and Phase II Environmental Site Assessments (ESA)
12/10/2012	RPO Open Space/Encroachment Map
12/10/2012	RPO Slope Analysis
12/10/2012	Vector Management Plan

April 9, 2013 Jackson to Slovick e-mail (Slovick did not respond to Jackson's 4/8/13 e-mail, therefore Jackson telephoned Slovick. Jackson's e-mail below documents Slovick's agreements to request for information.

| from: **Mark Jackson** <jacksonmark92026@gmail.com>
to: Mark Slovick <Mark.Slovick@sdcounty.ca.gov>
cc: margarette morgan <morgan7070@cox.net>, Steve Hutchison <hutchisonsm@gmail.com>
date: Tue, Apr 9, 2013 at 3:52 PM
subject: Lilac Hills Ranch Information requested
mailed-by: gmail.com

Mark - I've copied Margarette Morgan and Steve Hutchison on this e-mail, so that Bonsall and Valley Center planning/sponsor groups receive the information as well.

This afternoon, we discussed the information in the attached listing.

From the "Entirely New Documents" subgrouping, you agreed to provide everything except the "Capabilities Assessment prepared by Dudek"

From the "Documents revised since 11 Feb 2013 Submission" subgrouping, you advised me that the County was still reviewing the Developer's input and that the information would be made available sometime in the future when County review is complete.

From the "Accepted Studies" subgrouping, you agreed to provide the ten completed and accepted studies, with the following caveat:

- Public Comment on the ten studies should not be submitted at this time, but at a later date when you determine when the County will be receiving Public Comment on technical studies.]

Electronic access to the Information is desired — paper not required.

Thank You,

Mark Jackson
760-731-7327

May 13, 2013 Mark Slovick e-mail providing copies of the RFEFCRS to the Valley Center Community Planning Group and the Bonsall Sponsor Group

From: **Slovick, Mark** <Mark.Slovick@sdcounty.ca.gov>
Date: Mon, May 13, 2013 at 11:07 AM
Subject: Lilac Hills Ranch - Modification Requests
To: Margarette Morgan <morgan7070@cox.net>, Steve Hutchison <hutchisonsm@gmail.com>
Cc: "Ramaiya, Jarrett" <Jarrett.Ramaiya@sdcounty.ca.gov>, "Sinsay, Edwin M" <Edwin.Sinsay@sdcounty.ca.gov>

Hi Margarette and Steve,

The applicant for Lilac Hills Ranch has requested modifications to the County's Public and Private Road Standards. Could you please review the requests and provide a recommendation? I'll send you a follow up email showing the location of each request.

Some of the modifications are located within the Valley Center Community Plan area, some are within the Bonsall Community Plan area and some are within both. Please provide a recommendation for each modification request within your community plan boundaries. I've prepared the following list for reference.

Bonsall

1
2
3
4
5 (split)
9 (split)

Valley Center

5 (split)
6
7
8
9 (split)
10

Please let me know if you have any questions.

Thanks,

Mark Slovick
Land Use Environmental Planner
Planning and Development Services
County of San Diego
(858) 495-5172



Modification Requests.pdf

2180K View Download

ATTACHMENT B

Attachment B- Citizen e-mails to the County re: details of Lilac Hills Ranch Road/Covey Lane intersection Page 1 of 2

June 27, 2013 Jackson to Slovick and Sinsay e-mail regading Lilac Hills Ranch Road/Covey Lane Intersection

From: Mark Jackson [mailto:jacksonmark92026@gmail.com]

Sent: Thursday, June 27, 2013 10:13 AM

To: Slovick, Mark; Sinsay, Edwin M

Cc: Real, Sami; Blackson, Kristin; Ramaiya, Jarrett

Subject: Likely Safety Issue with Accretive Lilac Hills Ranch Road Design + 2 other issues

Mark and Ed - I did a brief review of the latest Accretive Project Master Grading Plan.

Some items fall out that are Safety issues that need to be addressed immediately.

These comments will also be included in Public Comment response to the DEIR.

Issue 1: Design of the Intersection of Lilac Hills Ranch Road and Covey Lane (through Parcel 128-290-78-00) quite likely has inadequate sight line to the extent that it meets no road standards and is an extreme safety issue.

The proposed four lane road centerline is approx. 300 feet from the apex of a very steep vertical curve on existing Covey Lane Private Road. The 4 lane Lilac Hills Road will be approximately 60 feet lower in elevation (850 feet elevation) from the apex (910 ft elevation) of the existing Covey Lane Private Road.

Ladies and Gentlemen - This intersection is absolutely blind to west bound traffic on Covey Lane. This intersection quite likely don't meet any road standard, even in a Third World Country.

Issue # 2 - This intersection grossly overburdens Accretive's limited easement rights on existing Covey Lane Private Road and obstructs other existing easement holders of rights to Covey Lane Private Road.

Issue # 3 - (not a Safety Issue - merely misrepresentation of information to sidestep regulations) Parcel 128-290-78 needs to be included in the "Project." It is owned fee simple by Accretive and used for the route of their 4 lane road. It isn't in the "Project" because it will leave 2 *hostile owners* (Accretive's term) surrounded by the Project, and brings additional restrictions on Accretive which Accretive avoids if they are not included in "the Project."

Please provide a response to my observations prior to July 3, 2013 as to the accuracy of my observations and the actions taken by the County if remediation is required.

Sincerely,
Mark Jackson
760-731-7327

Attachment B- Citizen e-mails to the County re: details of Lilac Hills Ranch Road/Covey Lane intersection Page 2 of 2

July 2, 2013 Slovick, et. al response to Jackson June 27, 2013 e-mail

From: **Slovick, Mark** <Mark.Slovick@sdcounty.ca.gov>
Date: Tue, Jul 2, 2013 at 11:58 AM
Subject: RE: Likely Safety Issue with Accretive Lilac Hills Ranch Road Design + 2 other issues
To: Mark Jackson <jacksonmark92026@gmail.com>
Cc: "Real, Sami" <Sami.Real@sdcounty.ca.gov>, "Blackson, Kristin" <Kristin.Blackson@sdcounty.ca.gov>, "Ramaiya, Jarrett" <Jarrett.Ramaiya@sdcounty.ca.gov>, "Gretler, Darren M" <Darren.Gretler@sdcounty.ca.gov>, "Sinsay, Edwin M" <Edwin.Sinsay@sdcounty.ca.gov>

Hi Mark,

Thank you for your email. Below are our responses to your concerns.

Issue 1: The project does not include a detailed design for the intersection of Lilac Hills Ranch Road and Covey Lane because this intersection is within Phase 3. The project includes a detailed Implementing Tentative Map only for Phase 1. Phases two through five would require future discretionary permits, including Tentative Maps and Grading Plans, before those phases could be constructed. The detailed design of this intersection would be included in Phase 3. The Private Road Standards require that the engineer use appropriate engineering judgment to determine the appropriate corner sight distance for the intersection of two private roads. As a minimum, corner sight distance shall be provided in accordance with the stopping sight distance as determined by the American Association of State highway Officials (AASHTO) in the publication "A Policy on Geometric Design of Highways and Streets". Lastly, Lilac Hills Ranch Road is proposed as a 2-lane road, not a 4-lane road.

Issue 2: In regards to overburdening, the County has received conflicting information about access rights. We have received letters and analyses from an attorney representing off-site property owners and from the project applicant. The attorney who represents off-site property owners claims that the project does not have adequate rights to use certain roads, and the project applicant claims that the project has adequate rights to these roads. This is a dispute among private parties.

Issue 3: The County is not aware of any requirement that an existing legal lot adjacent to or near a proposed project that is owned by the project applicant be included in the project. An applicant is allowed to define the boundaries of a proposed project. However, for CEQA purposes, we reviewed all of the project's potential impacts, including off-site impacts on the parcel you identified.

The Draft Environmental Impact Report (EIR) is going to be released for public review tomorrow and comments will be accepted until August 19, 2013. We recommend that you submit all of your comments during the public review period of the EIR, so that we can thoroughly evaluate them and provide written responses.

Thanks, Mark

ATTACHMENT C

APPLICATION FOR GRADING PERMIT

L
COUNTY OF SAN DIEGO DEPARTMENT OF PUBLIC WORKS
5201 RUFFIN ROAD, SUITE D MS-0336
SAN DIEGO, CA 92123-1666
PHONE: (858) 694-2055 FAX: (858) 279-7020

DATE 3/19/12

Permitted Name ALLIGATOR PEARLS, L.P. Phone 858 546-0700
Last Name First

Mailing Address 12275 EL CAMINO REAL SUITE 110 S.D. CA 92130
Street City State Zip

hereby makes application for permit to grade, subject to provisions of Title 8, Division 7, of the San Diego County Regulatory Code of Ordinances. Permit revocable at option of Director, Department of Public Works when necessary.

Owner SAME AS ABOVE Phone ()
Last Name First

Mailing Address
Street City State Zip

Engineer LANDMARK CONSULTING C/O MARK BRENCICK Phone 858 587 8070
Last Name First

Mailing Address 9555 GENESEE AVE #200 SD CA 92121
Street City State Zip

Email Address MARK@LMCO.NET

Soils Engineer CHANEY, JEFFREY Phone 619 708 1649
Last Name First

Supervising Engineer SAME AS ABOVE Phone ()
Last Name First

Mailing Address 25220 HANCOCK AVE #420 MURRIETA CA 92562
Street City State Zip

Legal Description POR OF SO. HALF OF SEC 19, T10S, R2W, S.B.B.M., CO. OF S.D., STATE OF CA
(Portion of: Lot. No.: Map No.: ETC)

Thomas Bros.: Page 1069 Coordinates C1 Grading Violation on the site: Yes ☐ No ☒

APN # 128-240-75 Grading Transfer from DPLU: Yes ☐ No ☒

Proposed Use of Graded Site: ACCESS RD TO GROVES

Other permits associated with this permit: TPM

Special Condition(s) which are made part of this permit: N/A

I hereby agree to provide the indemnification as required by Chapter 2 of Division 6 of Title 8 of the San Diego County Code. I hereby acknowledge that I have read the application and state the information I have provided is correct and agree to comply with all County Ordinances and State Regulations regarding excavating and grading and the provisions and conditions of any permit issued pursuant to this application. "I declare under penalty of perjury under the laws of the State of California that the statements made herein are true and correct."

Signature of Owner / Agent M A Date 3/19/12

AN IRS W-9 MAY BE REQUIRED PRIOR TO ISSUANCE OF A GRADING PERMIT.

This form must be completed by the time of submittal.

ATTACHMENT D

*Mark and Karen Jackson
9550 Covey Lane
Escondido, CA 92026 (Valley Center)
760-731-7327 – jacksonmark92026@gmail.com*

November 22, 2012

Mr. Kenneth Brazell
kenneth.brazell@sdcounty.ca.gov
Project Manager
Department of Planning and Development Services

Mr. Mark Mead
mark.mead@sdcounty.ca.gov
Senior Deputy County Counsel

Subject: Major Grading Permit L 15660 applicant Alligator Pears LP (an entity of Accretive Investments) APN 128-290-75

Dear Mr. Brazell and Mr. Mead:

Accretive Investments (Alligator Pears LP) on March 19, 2012 applied for a Major Grading Permit (2700 15660 on APN 128-290-75) to construct a road for "access to groves" over the western 40 feet of our property (APN 128-290-77) for which they hold a limited legal road easement. This easement is expressly for ingress and egress ONLY for Parcel APN 128-290-75, which under present General Plan land use designations can host at most 2 residences.

As Mr. Mead will recall, DPW was unwilling to share any information on the application with us, therefore we were forced to initiate a California Public Records Act request to obtain any information on this proposed road across our property. The June 4, 2012 CPRA request is enclosed as Attachment A.

On April 30, 2012 Accretive Investments applied for a General Plan Amendment for a high density 1746 residential unit urban development on 608 acres, 11 acres of which are in APN 128-290-75. Accretive has indicated in their Specific Plan 12-001 (Attachment B) the existence of a mysterious, not well defined road on the route of the road described in Major Grading Permit L 15660.

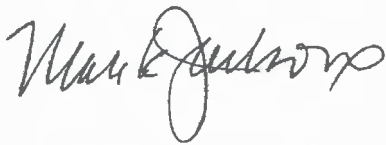
Accretive Investments is implementing their proposed General Plan Amendment 12-001 ahead of approval by the County.

If the County approves Major Grading Permit 2700 15660, the County is enabling Accretive to perform piecemeal development of their proposed Lilac Hills Ranch high density General Plan Amendment 12-001.

This proposed Road's sole circulation route is through Covey Lane to the public West Lilac Road. Mr. Mead will recall that the County was involved in 5 years of litigation in *West v. County of San Diego, et al.* 37-2008-00058195-CU-PO-NC regarding the County's liability in the August 9, 2007 traffic fatality at the intersection of Covey Lane and West Lilac Road.

We urge that the County does not allow this road to be permitted – Covey Lane is a demonstrated hazard, and the intended use of Road L15660 as a secondary access road for the Lilac Hills Ranch proposed General Plan Amendment 12-001 will expand this hazard exponentially.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Jackson", with a stylized, cursive script.

Mark Jackson

CC:
Mark Wardlaw
Mark Slovick
Richard Crompton

Attachments:

Attachment A- Jackson June 4, 2012 California Public Records Act Request
Attachment B – Accretive Investments Lilac Hills Ranch Specific Plan dated 9/25/12 Figure 24- "Internal Project Circulation" with annotations.

Mark and Karen Jackson
 9550 Covey Lane
 Escondido, CA 92026 (Valley Center)
 760-731-7327 – jacksonmark92026@gmail.com

June 4, 2012

County Counsel Thomas Montgomery
thomas.montgomery@sdcounty.ca.gov
 County of San Diego
 1600 Pacific Highway
 San Diego, CA 92101

Subject: California Public Records Act Request: for application text, maps and all related materials submitted by Accretive Investments DBA Alligator Pears LP/Simon Malk and Randy Goodson, or other individuals or firms, referencing Major Grading Permit 2700 15660 dated March 20, 2012 for grading and/or other permits for their proposed " road 15660" on APN 128-290-75-00 bordering APN 128-290-77-00

Dear Mr. Montgomery:

Accretive Investments filed their General Plan Amendment for "Lilac Hills Ranch SPA" on April 30, 2012; (GPA Permit 3800-12-001). As you have long experienced, CEQA does not permit projects to be processed piece-meal. You will also recall that the Board removed Accretive's proposed "Road 3A" in the West Lilac Area of Valley Center, 68% which would have cut through land Accretive neither owned nor controlled, and which would have destroyed our home, and other neighbors' farms' and home, by cutting a deep canyon across all our land.

Accretive's property (608 acres) is close to landlocked, and the Fire Code will necessitate that the County require Accretive to have sufficient secondary access so that 5,000 vehicles (from the 1,746 dwelling units and the commercial center that Accretive proposes) can escape during emergencies – and as simply a way to commute to work each morning and night. Accretive is struggling to meet this challenge. They have bought some land, but not enough.

Fourty two days before Accretive filed GPA Permit 3800-12-001, they separately filed for a grading permit with DPW Major Grading Permit 2700 15660, referring to it as "road 15660 " on a parcel within the subdivision boundaries of the proposed GPA/SPA WITHOUT advising DPLU that they were doing this,

or, conversely, telling DPW that they anticipated filing their GPA application shortly. From my viewpoint, it looks like they didn't want DPW to know a GPA Application was in the works, nor did they want DPLU to know they had requested a separate road-grading permit on another parcel.

I discovered this on the County's online KIVA permit system. Information was scant. The parcel that the Major Grading Permit was applied for borders our house.

I requested all documentation from the DPW Project Manager Nael Arigat on April 11, 2012. After three phone calls, and getting the run-around from DPW, I wrote a letter to DPLU and DPW on May 16, 2012 requesting the information with a due date of June 1, 2012. I received no information on June 1st, and initiated a follow up phone call. I received no information or even an estimate of when I would receive the requested information.

Therefore, this is my California Public Record Act request for all applicant-provided documentation: text, maps, photos, studies, etc., without limitation, submitted originally or subsequent related to their Major Grading Permit 2700 15660.

You may supply them electronically to my e-mail address:
jacksonmark92026@gmail.com.

I request that they be provided within ten (10) calendar days, in compliance with the Act.

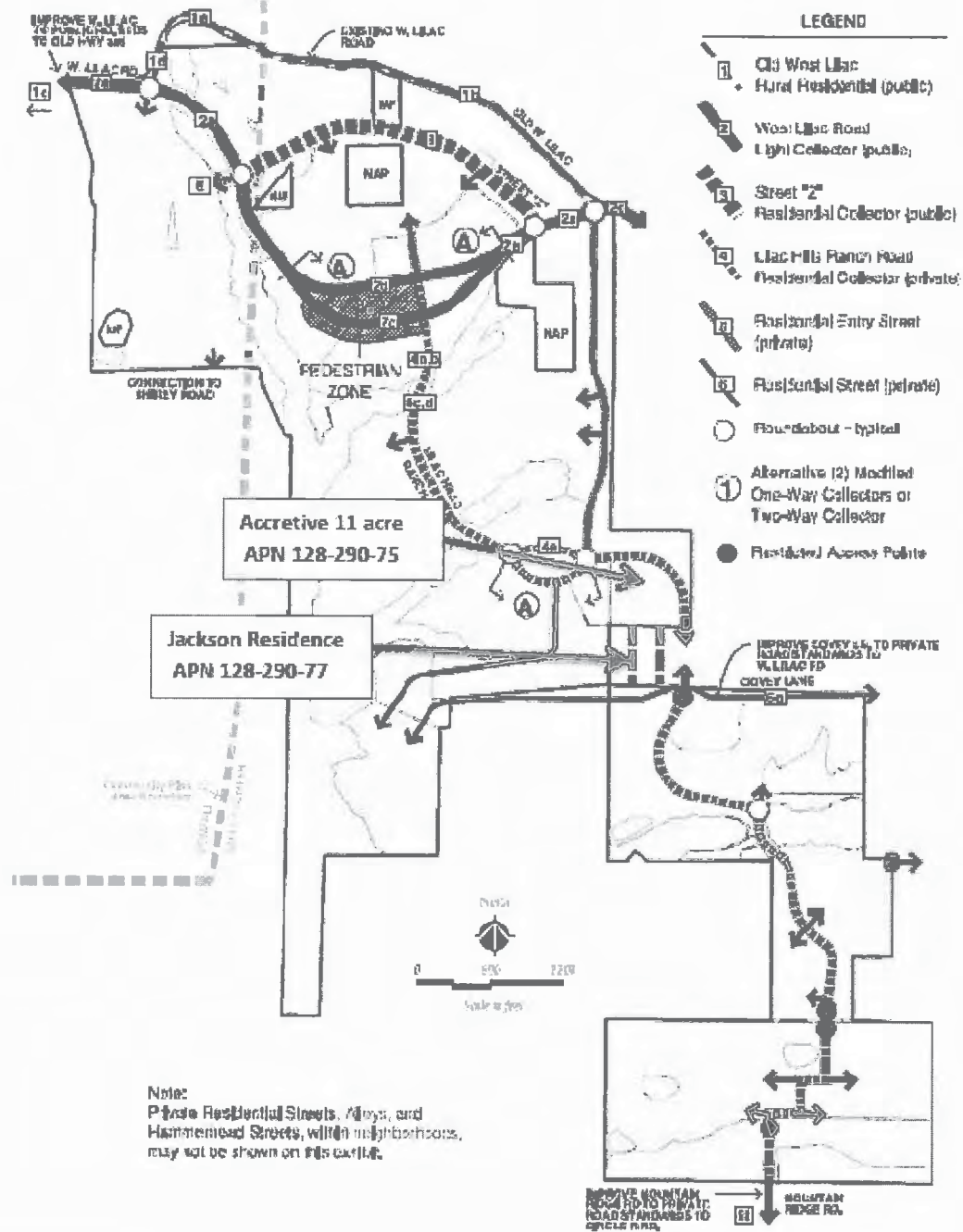
Very truly yours,

(signed).

(signed).

Mark Jackson

Karen Jackson



Project Internal Circulation

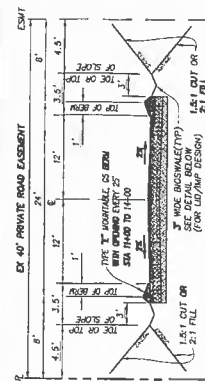
LILAC HILLS RANCH SPECIFIC PLAN

FIGURE 24

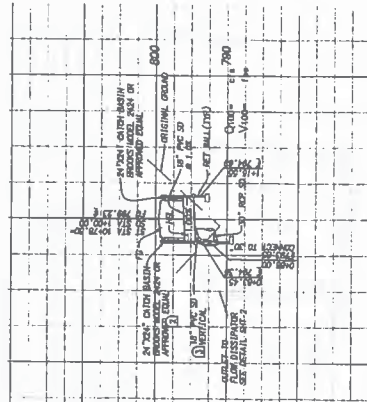
DRAFT

Attachment B – Accretive Investments Lilac Hills Ranch Specific Plan dated 9/25/12 Figure 24- “Internal Project Circulation” with annotations.

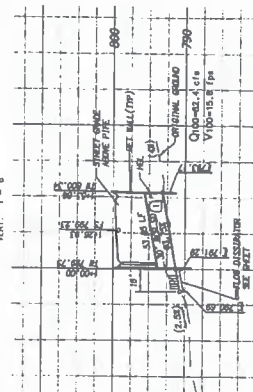
ATTACHMENT E



* TYPICAL PRIVATE ROAD SECTION - WALLS

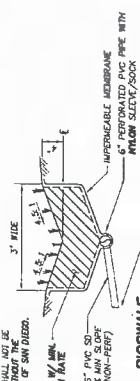


18" PVC SD PIPE (PVT) PROFILE

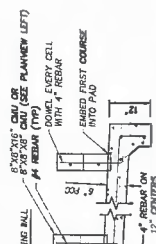


1+00 2+00
30" RCP CULVERT PROFILE

STORM DRAIN DATA				
NO.	BEARING/DELTA	RADIUS	LENGTH	NOTES
1	N37°02'18"E	—	53.06'	50" RCP
2	N80°51'54"E	—	28.00'	16" PVC
3	—	—	18.00'	16" PVC
4	—	—	18.00'	16" PVC



BIOSWALE NOTE



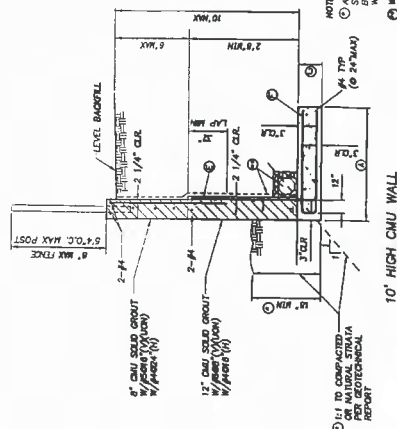
SECTION A-A



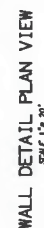
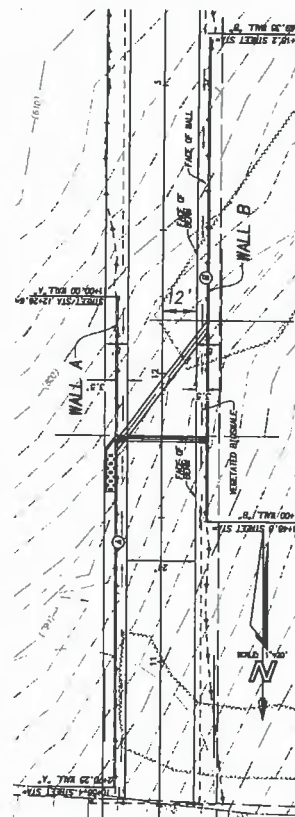
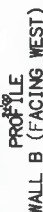
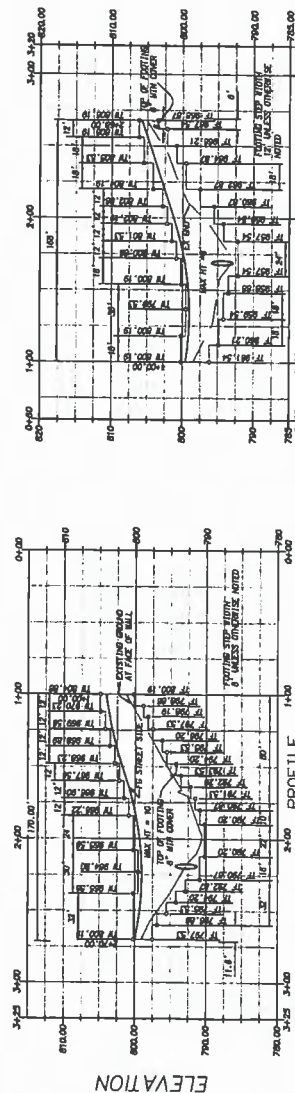
FLOW DISSIPATOR DETAIL

CONSTRUCTION CONTRACTOR AGREES THAT IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES AND CUSTOMS, THE CONTRACTOR WILL BE REQUIRED TO ASSUME COMPLETE RESPONSIBILITY FOR THE PROTECTION OF ALL PERSONS AND PROPERTY; THAT THIS REQUIREMENT SHALL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS OF THE PROJECT, INCLUDING SUNDAY AND HOLIDAYS; THAT THE CONTRACTOR SHALL BE MADE TO APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS OF THE PROJECT, INCLUDING SUNDAY AND HOLIDAYS; THAT THE CONTRACTOR SHALL BE MADE TO APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS OF THE PROJECT, INCLUDING SUNDAY AND HOLIDAYS.

COUNTY OF SAN DIEGO DEPARTMENT OF PUBLIC WORKS		COUNTY OF SAN DIEGO DEPARTMENT OF PUBLIC WORKS	
MAP NO. 2 SHEET 1	PRIVATE CONTRACT BRIDGE	MAP NO. 2 SHEET 1	PRIVATE CONTRACT BRIDGE
BRIDGE PLANT FRS PRIVATE ACCESS ROAD TO APN 128-290-75 (FROM EX CONVEY LANE)		BRIDGE PLANT FRS PRIVATE ACCESS ROAD TO APN 128-290-75 (FROM EX CONVEY LANE)	
CALIFORNIA COORDINATE INFO: 258-1737		CALIFORNIA COORDINATE INFO: 258-1737	
PROJECT NO. 15660		PROJECT NO. 15660	
CONTRACTOR: MOHAMMAD K. FARSIKHOON		CONTRACTOR: MOHAMMAD K. FARSIKHOON	
DATE: 11/1/2011		DATE: 11/1/2011	



RETAINING WALL SCHEDULE						
WALL HEIGHT (H)	FOOTING THICKNESS ⑥	KEY ⑦	WALL REINF ⑧	BASE CONC. MASONRY	HEEL REINF ⑩	
④						
0' TO 2'	2'-3"	-	#4 @ 16"	8" (M)	#4 @ 16"	
2' TO 4'	3'-0"	-	#5 @ 16"	8" (M)	#4 @ 16"	
4' TO 6'	4'-0"	-	#5 @ 15"	8" (M)	#4 @ 16"	
6' TO 8'	7'-0"	-	#6 @ 16"	12" (M)	#4 @ 16" OR #5 @ 12"	
8' TO 10'	9'-0"	-	#6 @ 18"	12" (M)	#5 @ 8"	



COUNTY OF SAN DIEGO DEPARTMENT OF PUBLIC WORKS		4 SHEETS
GRADING PLANS FOR: PRIVATE ACCESS ROAD (FROM EX CONVEY LANE)		
CALIFORNIA COORDINATE BEING 266-1767		
SHEET NO. 1	PROJECT NO. 15660	DATE 11/15/60
DRAWN BY MARYANNE K. FARRINGTON		
CHECKED BY [Signature]		
APPROVED BY [Signature]		

[illegible]

STORM WATER MANAGEMENT NOTES

1. DURING THE RAINFALL PERIOD, THE ADJACENT EXPOSED SOIL SHALL NOT EXCEED THAT WHICH CAN BE REASONABLY FULLY EXPOSED AND COMPLETELY INSTALLED IN 48 HOURS OR LESS OF A FORECAST RAIN.
2. NO AREA BEING DISTURBED SHALL EXCEED 50 ACRES AT ANY ONE TIME WITHOUT CONTRIBUTING TO THE SAN DIEGO COUNTY D.P.A. DIRECTOR'S SATISFACTION THAT ADEQUATE EROSION AND SEDIMENT CONTROL CAN BE MAINTAINED. ANY DISTURBED AREA THAT IS NOT ACTIVELY MAINTAINED TO PREVENT EROSION AND SEDIMENT CONTROL SHALL BE RECONSTRUCTED TO ITS ORIGINAL CONDITION OR BETTER.
3. THE PROJECT OWNER IS REQUIRED TO MAINTAIN EROSION CONTROL MEASURES WITHIN ALL AREAS OF EROSION WATER EXPOSURE AT ALL TIMES. THE D.P.A.'S (BEST MANAGEMENT PRACTICES) THAT HAVE BEEN INCORPORATED INTO THIS PLAN SHALL BE MAINTAINED AND MAINTAINED TO EFFECTIVENESS. THE PROJECT OWNER SHALL MAINTAIN THE EROSION CONTROL MEASURES WITHIN ALL AREAS OF EROSION WATER EXPOSURE AT ALL TIMES. THE D.P.A.'S (BEST MANAGEMENT PRACTICES) THAT HAVE BEEN INCORPORATED INTO THIS PLAN SHALL BE MAINTAINED AND MAINTAINED TO EFFECTIVENESS.
4. ON PROJECTS OF GREATER THAN ONE ACRE AND THE FOLLOWING: A NOTICE OF INTENT (NOI) HAS BEEN, OR WILL BE FILED WITH THE COUNTY OF SAN DIEGO, THE PROJECT OWNER SHALL MAINTAIN THE EROSION CONTROL MEASURES WITHIN ALL AREAS OF EROSION WATER EXPOSURE AT ALL TIMES. THE D.P.A.'S (BEST MANAGEMENT PRACTICES) THAT HAVE BEEN INCORPORATED INTO THIS PLAN SHALL BE MAINTAINED AND MAINTAINED TO EFFECTIVENESS.

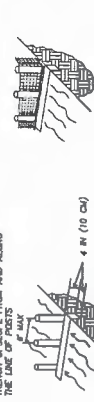
STORM DRAIN FLUMES

- A. ALL STORM DRAIN FLUMES AND CATCH BASINS WITHIN THE PROJECT AREA SHALL HAVE A STENCIL OR TILE PLACED WITHIN PROHIBITIVE LANGUAGE (SUCH AS "NO DRIVING IN LINE IN COMING TRAFFIC") AND/OR GRAPHICAL TOWNS TO DISCOURAGE ILLLEGAL DUMPING.
- B. STOPS AND PROHIBITIVE LANGUAGE AND/OR GRAPHICAL TOWNS, WHICH PROHIBIT ILLLEGAL DUMPING, MUST BE POSTED AT PUBLIC ACCESS POINTS ALONG CHANNELS AND CATCH BASINS WITHIN THE PROJECT AREA.
- C. VERBILITY OF STENCILS, TILES AND SIGNS MUST BE MAINTAINED AND TILES MUST BE PLACED FLUSH WITH THE TOP OF CONCRETE TO REDUCE TRIPPING BY PEDESTRIANS.

EMERGENCY EROSION CONTROL MEASURE NOTES

1. ALL BUILDING PLOTS TO BE DINED AND THE DINES MAINTAINED TO PREVENT WATER FROM FLOWING FROM THE PLOT UNTIL THE STREETS AND DRIVEWAYS ARE PAVED AND WATER CAN FLOW FROM THE PLOTS WITHOUT CAUSING EROSION, OR CONSTRUCT DRAINAGE FACILITIES TO THE SATISFACTION OF THE COUNTY DEPARTMENT OF PUBLIC WORKS THAT WILL ALLOW WATER TO DRAIN FROM THE PLOT WITHOUT CAUSING EROSION.
2. TYPE OF ALL SLOPES TO BE DINED OR TRENCHED TO PREVENT WATER FROM FLOWING OVER THE CREST OF THE SLOPES.
3. UNPAVED SLOPES AND PLOTS SHALL BE MAINTAINED VERTICALLY AND HORIZONTALLY AS APPROPRIATE TO BLEND WITH THE SURROUNDING TERRAIN.
4. ALL CUTS OR EXCAVATIONS ARE REQUIRED, BUT NOT LATER THAN OCTOBER 1, ALL CUTS AND FILL SLOPES SHALL BE STABILIZED WITH EROSION CONTROL MEASURES AS REQUIRED BY THE COUNTY DEPARTMENT OF PUBLIC WORKS.
5. APPROVED SLOPE PROTECTION MEASURES SHALL BE INSTALLED IMMEDIATELY UPON THE EXPOSURE OF CUT SLOPES AND/OR THE CREATION OF EROSION CONTROL MEASURES.
6. EROSION CONTROL MEASURES SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD AND SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
7. THE EROSION CONTROL MEASURES SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD AND SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.

1. SET POSTS (2"x2"x4" WOOD POSTS) AND STAPLES (16 GAUGE GALVANIZED STEEL) TO THE POSTS (OR EQUIVALENT) TO THE POSTS.



2. STAPLE WIRE FENCING (2"x2" - 14 GA WIRE OR EQUIVALENT) TO THE POSTS.



SILT FENCE DETAIL

3. ATTACH THE SILT FENCING TO THE TRENCH INTO THE TRENCH.



4. BACKFILL AND COMPACT THE EXCAVATED SOIL.

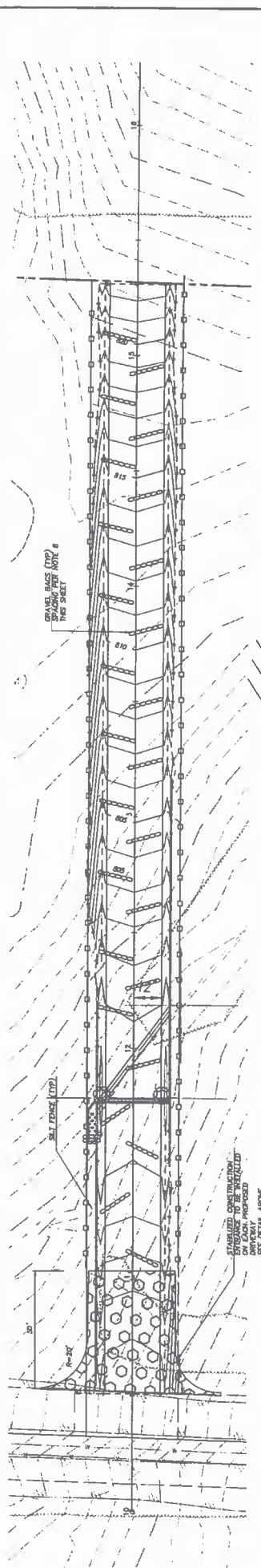


SILTATION AND SEDIMENT CONTROL MEASURES NOTES

1. THE SLOPES SHALL BE MAINTAINED TO PREVENT WATER FROM FLOWING FROM THE PLOT UNTIL THE STREETS AND DRIVEWAYS ARE PAVED AND WATER CAN FLOW FROM THE PLOTS WITHOUT CAUSING EROSION, OR CONSTRUCT DRAINAGE FACILITIES TO THE SATISFACTION OF THE COUNTY DEPARTMENT OF PUBLIC WORKS THAT WILL ALLOW WATER TO DRAIN FROM THE PLOT WITHOUT CAUSING EROSION.
2. TYPE OF ALL SLOPES TO BE DINED OR TRENCHED TO PREVENT WATER FROM FLOWING OVER THE CREST OF THE SLOPES.
3. UNPAVED SLOPES AND PLOTS SHALL BE MAINTAINED VERTICALLY AND HORIZONTALLY AS APPROPRIATE TO BLEND WITH THE SURROUNDING TERRAIN.
4. ALL CUTS OR EXCAVATIONS ARE REQUIRED, BUT NOT LATER THAN OCTOBER 1, ALL CUTS AND FILL SLOPES SHALL BE STABILIZED WITH EROSION CONTROL MEASURES AS REQUIRED BY THE COUNTY DEPARTMENT OF PUBLIC WORKS.
5. APPROVED SLOPE PROTECTION MEASURES SHALL BE INSTALLED IMMEDIATELY UPON THE EXPOSURE OF CUT SLOPES AND/OR THE CREATION OF EROSION CONTROL MEASURES.
6. EROSION CONTROL MEASURES SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD AND SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
7. THE EROSION CONTROL MEASURES SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD AND SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.

PROVIDE VELOCITY CHECK DAMS IN ALL UNPAVED GRADED CHANNELS AT THE INTERVALS INDICATED BELOW

1. AFTER UTILITY TRENCHES ARE BACKFILLED AND COMPACTED, THE SURFACES OVER SLOPES SHALL BE MAINTAINED SLOPE TO PREVENT EROSION. THE SURFACES SHALL BE MAINTAINED SLOPE TO PREVENT EROSION. THE SURFACES SHALL BE MAINTAINED SLOPE TO PREVENT EROSION.
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STABILIZED CONSTRUCTION ENTRANCE NOT TO SCALE

PERMITS COUNTY OF SAN DIEGO DEPARTMENT OF PUBLIC WORKS PROJECT NO. 15660 SHEET NO. 1	
PRIVATE CONTRACT BROOKS CONTROL PLANS FOR PRIVATE ACCESS ROAD TO APN 128-00-75 (FROM EX COVEY LANE) CALIFORNIA COORDINATE INDEX 288-1787	
BENCH MARK DESCRIPTION: ONE BENCH MARK LOCATED IN THE AREA OF THE PROJECT. LOCATION: 31.71 FT. E. OF THE BENCH MARK, 2.00 FT. N. OF THE BENCH MARK. SECOND POINT: ONE BENCH MARK LOCATED IN THE AREA OF THE PROJECT. ELEVATION: 15660	
COUNTY APPROVED CHANGES COUNTY OF SAN DIEGO DEPARTMENT OF PUBLIC WORKS PROJECT NO. 15660 SHEET NO. 1	
CONSTRUCTION CONTRACTOR AGREES THAT IN ACCORDANCE WITH THE REQUIREMENTS OF THE COUNTY OF SAN DIEGO, THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE COMPLETE RESPONSIBILITY FOR THE CONSTRUCTION OF THE PROJECT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE COMPLETE RESPONSIBILITY FOR THE CONSTRUCTION OF THE PROJECT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE COMPLETE RESPONSIBILITY FOR THE CONSTRUCTION OF THE PROJECT.	